

Exhibit 13

PETER MORROW 4/5/2017

Page 1

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MISSOURI
3 EASTERN DIVISION
4 --oOo--
5 DWAYNE FURLOW, et al.,)
6)
7 Plaintiffs,)
8)
9 vs.)No. 4:16-CV-00254-CEJ
10)
11 JON BELMAR, et al.,)
12)
13 Defendants.)
14)
15 VIDEO-RECORDED 30(b)6 DEPOSITION OF PETER MORROW
16 FOR THE COUNTY OF ST. LOUIS
17
18 April 5, 2017
19
20 (Beginning at 1:41 p.m.)
21
22
23
24
25

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7 Plaintiffs,)
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9 vs.)No. 4:16-CV-00254-CEJ
10)
11 JON BELMAR, et al.,)
12)
13 Defendants.)
14)
15 VIDEO-RECORDED DEPOSITION OF PETER MORROW,
16 produced, sworn, and examined on Thursday, March 30,
17 2017, taken on behalf of the Plaintiffs, at the
18 offices of Midwest Litigation Services, 711 North
19 11th Street, in the City of St. Louis, State of
20 Missouri, before RENÉE COMBS QUINBY, a Certified
21 Court Reporter (MO), Certified Shorthand Reporter
22 (CA), Registered Merit Reporter, Certified Realtime
23 Reporter, and a Notary Public within and for the
24 State of Missouri.
25

Page 4

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1 (Pages 1 to 4)

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<p>1 FOR THE DEFENDANTS: 2 Michael E. Hughes, Esq. 3 St. Louis County Counselor's Office 4 41 S. Central Avenue, 9th Floor 5 Clayton, MO 63105 6 (314)615-7042 7 mhughes2@stlouisco.com 8 9 THE VIDEOGRAPHER: 10 David Doell 11 Midwest Litigation Services 12 711 North 11th Street 13 St. Louis, MO 63101 14 (314)644-2191 15 16 COURT REPORTER: 17 RENÉE COMBS QUINBY, RMR, CRR 18 CSR (CA) #11867 19 CCR (MO) #1291 20 Midwest Litigation Services 21 711 North 11th Street 22 St. Louis, MO 63101 23 (314)644-2191 24 25</p>	<p>1 Would the attorneys present please 2 introduce yourselves. 3 MR. HOLLAND: My name is Timothy 4 Holland. I'm here with my colleague, Elizabeth 5 Grossman, from the firm Paul Weiss on behalf of 6 plaintiffs. I have some co-counsel here who will 7 introduce themselves. 8 MR. CARROLL: Nathaniel Carroll from 9 ArchCity Defenders on behalf of the plaintiffs, and 10 I'm joined by my colleague Chris Peconga, 11 P-e-c-o-n-g-a, also with ArchCity Defenders for the 12 plaintiffs. 13 MR. HUGHES: And I'm Michael Hughes. I 14 represent Chief Jon Belmar and St. Louis County and 15 Officer Kevin Walsh and Officer Christopher Partin 16 and Detective Laura Clements. 17 THE VIDEOGRAPHER: Would the court 18 reporter please swear in the witness and we may 19 proceed. 20 PETER MORROW, 21 of lawful age, having been first duly sworn to 22 testify to the truth, the whole truth, and nothing 23 but the truth in the case aforesaid, deposes and 24 says in reply to oral interrogatories propounded as 25 follows, to-wit:</p>
Page 6	Page 8
<p>1 --oOo-- 2 IT IS HEREBY STIPULATED AND AGREED by and 3 between counsel for the Plaintiffs and counsel for 4 the Defendants, that this deposition may be taken in 5 machine shorthand by RENÉE COMBS QUINBY, a Certified 6 Court Reporter and Notary Public, and afterwards 7 transcribed into typewriting, and the signature 8 waived by agreement of Counsel and consent of the 9 Witness. 10 --oOo-- 11 PROCEEDINGS 1:41 p.m. 12 --oOo-- 13 THE VIDEOGRAPHER: We are now on the 14 record. Today's date is April the 5th, 2017. The 15 time is approximately 1:43 p.m. 16 This is the video-recorded deposition 17 of Lieutenant Peter Morrow in the matter of Furlow, 18 et al., versus Belmar, et al., case number 19 4:16-CV-00254-CEJ in the United States District 20 Court for the Eastern District of Missouri. 21 This deposition is being held at 22 Midwest Litigation Center in St. Louis, Missouri. 23 The reporter's name is Renée Quinby. My name is 24 David Doell, and I'm the legal videographer. We're 25 here with Midwest Litigation Services.</p>	<p>1 --oOo-- 2 EXAMINATION 3 BY MR. HOLLAND: 4 Q. Good afternoon, Lieutenant Morrow. 5 A. Good afternoon. 6 Q. My name is Tim Holland. I'll be asking 7 you some questions today. If throughout the 8 afternoon I ask a question that you don't 9 understand, might seem vague, confusing, please let 10 me know that so I can ask a better question, reask 11 it. If you don't do so, I'll just assume that you 12 understand what I'm asking you. 13 A. Uh-huh, okay. 14 Q. Is there any reason such as a medical 15 condition or influence of a substance which might 16 impact your ability to testify truthfully and 17 accurately and completely today? 18 A. No. 19 Q. You'll let me know if that changes? 20 A. (Nods head.) 21 Q. In -- for the sake of efficiency, let's 22 just go over some ground rules. The two of us are 23 going to be having a conversation. She's trying to 24 get down all of our words. She's only one person, 25 so let's do our best to try not to talk over each</p>

2 (Pages 5 to 8)

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<p>1 other.</p> <p>2 A. Okay.</p> <p>3 Q. I will finish a question and then you</p> <p>4 answer and I'll wait until you finish your answer</p> <p>5 before I jump in again.</p> <p>6 A. Okay.</p> <p>7 Q. We both might know where each other are</p> <p>8 going and want to jump in, but this will go smoother</p> <p>9 and quicker if we just wait each other out.</p> <p>10 Do you understand that I'm going to be</p> <p>11 asking you questions today in connection with a</p> <p>12 legal case?</p> <p>13 A. Yes.</p> <p>14 Q. What is your understanding of that</p> <p>15 legal case?</p> <p>16 A. Well, I think there's multiple cases,</p> <p>17 correct? At least --</p> <p>18 Q. I'm talking --</p> <p>19 A. -- involved.</p> <p>20 Q. Good clarification. Let me ask a</p> <p>21 better question.</p> <p>22 Do you understand that you're here</p> <p>23 testifying in connection with a litigation that has</p> <p>24 been filed in court?</p> <p>25 A. Yes. Yes.</p>	<p>1 A. Yes, uh-huh.</p> <p>2 Q. Let me hand you what I'm going to mark</p> <p>3 as Exhibit 1.</p> <p>4 (Exhibit 1 was marked for</p> <p>5 identification.)</p> <p>6 BY MR. HOLLAND:</p> <p>7 Q. Here you go. A copy for you.</p> <p>8 Have you seen this document before?</p> <p>9 A. Yes.</p> <p>10 Q. Do you understand that you're here</p> <p>11 today as a 30(b)(6) witness on behalf of St. Louis</p> <p>12 County?</p> <p>13 A. I do.</p> <p>14 Q. Do you understand that that means that</p> <p>15 you are testifying today on behalf of the County?</p> <p>16 A. Yes.</p> <p>17 Q. If you turn to page 3 -- which says 3</p> <p>18 of 6 -- or excuse me -- pages -- pages 5 of 6,</p> <p>19 leading on to 6 of 6, do you see where it says</p> <p>20 "deposition topics"?</p> <p>21 A. Yes.</p> <p>22 Q. And you've reviewed this document?</p> <p>23 A. I did not fully. I did see the first</p> <p>24 part, number 1. That's what I did discuss with</p> <p>25 Mr. Hughes.</p>
Page 10	Page 12
<p>1 Q. That's the case. I know there might be</p> <p>2 individual cases in terms of the plaintiffs --</p> <p>3 A. Okay.</p> <p>4 Q. -- but the legal case, are you familiar</p> <p>5 with the claims that are brought?</p> <p>6 A. Which plaintiff? For the -- go ahead.</p> <p>7 Q. Have you read the complaint that's --</p> <p>8 A. Not fully, no.</p> <p>9 Q. What is your understanding of the --</p> <p>10 the legal case that has been brought here?</p> <p>11 A. That the -- there is a misuse of or</p> <p>12 perceived misuse of the 24-hour hold policy of our</p> <p>13 police department.</p> <p>14 Q. Anything else?</p> <p>15 A. Not that I know of at the moment.</p> <p>16 Q. Have you ever been deposed before?</p> <p>17 A. Yes.</p> <p>18 Q. How many times?</p> <p>19 A. It's been a while. It's been -- I was</p> <p>20 discussing this. It's probably been a good ten</p> <p>21 years. I spent nine years in our robbery homicide</p> <p>22 unit and it happened, I'm going to say, at least 10</p> <p>23 to 15 times during those years.</p> <p>24 Q. And each time in connection with your</p> <p>25 position on the police force?</p>	<p>1 Q. So there are three topics here listed.</p> <p>2 A. Uh-huh.</p> <p>3 Q. Correct?</p> <p>4 A. Yes.</p> <p>5 Q. Do you understand that you're here</p> <p>6 today to testify about those three topics?</p> <p>7 A. Yes.</p> <p>8 Q. Are you prepared to testify about those</p> <p>9 three topics today?</p> <p>10 A. I believe so.</p> <p>11 Q. And what did you do to prepare to</p> <p>12 testify today?</p> <p>13 A. I had -- when I was contacted by</p> <p>14 Mr. Hughes, he talked about these particular</p> <p>15 topics --</p> <p>16 Q. Well, let me stop you there.</p> <p>17 MR. HUGHES: I think he's asking you</p> <p>18 what did you review. Is that --</p> <p>19 MR. HOLLAND: Sure.</p> <p>20 MR. HUGHES: Is that correct? Or if</p> <p>21 not, I don't --</p> <p>22 BY MR. HOLLAND:</p> <p>23 Q. I just want to make sure that you</p> <p>24 understand before you delve into what your</p> <p>25 discussions with Mr. Hughes were that those are</p>

3 (Pages 9 to 12)

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1 privileged during your prep.
2 A. Yeah, I --
3 **Q. I don't need to know what you**
4 **discussed.**
5 A. Correct. I'm leading -- I was going to
6 lead up to that.
7 **Q. But if you could tell me when you first**
8 **found out, about how many times you met or spoke**
9 **with Mr. Hughes, and then beyond that, what you**
10 **reviewed and any other prep you did for today.**
11 A. Okay. I don't -- I'd have to defer to
12 Mr. Hughes about the first time he contacted me.
13 It's been at least a few weeks, but we had a phone
14 conversation where we talked about a few things, and
15 then we met yesterday specifically for today's
16 meeting. And that's where he did show me this
17 Exhibit 1, and I focused on, of course, the first
18 topic.
19 And what I did was I looked for those
20 written directives with the county police department
21 that were -- what I thought were related to these
22 topics. I then pulled those, looked at them,
23 reviewed them a little bit, and it didn't take -- I
24 didn't do a whole lot more aside from that prior to
25 today. And that was mostly just yesterday and

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1 yesterday evening.
2 **Q. And yesterday was the first time that**
3 **you saw Exhibit 1 and the topics listed therein?**
4 A. I -- I think so.
5 **Q. Did you -- after -- after speaking with**
6 **Mr. Hughes you said more than a couple weeks ago**
7 **when you found out you were going to testify, did**
8 **you have any conversations with anyone else in**
9 **preparation for today?**
10 A. Well, I didn't know that I was going to
11 testify after our first conversation. Okay? That
12 may have happened. I think we discussed it may -- I
13 might -- may be needed.
14 **Q. So a couple weeks ago or a few weeks**
15 **ago, Mr. Hughes contacted you to let you know you**
16 **might be a witness for this 30(b)(6) deposition?**
17 A. Correct.
18 **Q. And what -- did you talk to anybody**
19 **about that thereafter?**
20 A. Not about me testifying; but I did have
21 a conversation with, I think, Lieutenant Gomez whom
22 you've already spoken with --
23 **Q. Correct.**
24 A. -- regarding some of our processes that
25 he wasn't familiar with.

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1 **Q. What processes in particular are those?**
2 A. He wanted to know about, I guess you'd
3 call it, the work flow of our policy decision
4 process for the department.
5 **Q. Can you tell me a little bit more about**
6 **that. What you mean by "work flow"?**
7 A. It's -- it's the creation of a new
8 document -- let me back up. The creation of a new
9 written directive regarding any policy or the
10 revision of a written directive or any policy begins
11 with my office.
12 Once my unit, which is the planning and
13 analysis unit, once we direct -- create a draft, I
14 send it up my chain of command to my colonel. My
15 colonel approves it. It then goes to our executive
16 command staff which is our four colonels, our deputy
17 chief, and Chief Belmar. They look at it, decide if
18 they like the content, and if they agree that it's
19 to move on, it goes to the FOP, which is relatively
20 new -- it's a new part of our process.
21 **Q. And what's the FOP?**
22 A. Fraternal Order Police in agreement
23 with the CDA that was signed with St. Louis County
24 government in, I think, December or January. So
25 this is all relatively new to us, that part of the

Page 16

1 process.
2 **Q. December 2016 or January 2017?**
3 A. Yes, yes.
4 **Q. And this is the process that takes**
5 **place any time a written directive of the St. Louis**
6 **County Police Department is either issued or**
7 **updated?**
8 A. Yes, yes. And then there's the final
9 step then is if the FOP has no issue with what
10 they're -- what they've read, then it goes to our
11 command staff, which is all of our captains and
12 above, and they meet once a week to go over any
13 number of different things up to and including
14 policy. And if it gets approved there, then if it
15 qualifies for a police board signature, then the
16 police board handles it once a month.
17 **Q. And is another name for a written**
18 **directive a general order?**
19 A. Yes.
20 **Q. And this -- so you had this**
21 **conversation with Mr. -- excuse me, with Lieutenant**
22 **Gomez. He had sought out your knowledge about this**
23 **process. Is that accurate?**
24 A. Yes. He had told me what he was going
25 to be doing and asked a few questions about how

4 (Pages 13 to 16)

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1 we -- how we worked.

2 **Q. And by telling you what he was going to**

3 **be doing is that that he was going to be testifying?**

4 A. Yeah, that he was going to be deposed.

5 **Q. So if Lieutenant Gomez was deposed on**

6 **February 6th, this conversation that you had with**

7 **him occurred prior to that date. Is that your**

8 **recollection?**

9 A. Yes.

10 **Q. And that conversation with Lieutenant**

11 **Gomez occurred after Mr. Hughes had contacted you**

12 **about potentially being a witness in this case; is**

13 **that accurate?**

14 A. It probably did then, yes. If we're

15 going back -- if Lieutenant Gomez was February 6th,

16 then yes.

17 **Q. Did you talk to Lieutenant Gomez at all**

18 **after his deposition?**

19 A. He might have commented.

20 **Q. And let me -- let me rephrase. You may**

21 **have passed him in the hall and had, you know --**

22 A. That's about it.

23 **Q. -- banter. But did you speak to him at**

24 **all about this case since his deposition?**

25 A. I believe I asked him just how it went.

Page 18

1 And he said that, you know, certainly that, you

2 know, like any deposition, he's glad it was over.

3 But he said it was fine and he didn't have any

4 issues that -- to directly discuss with me.

5 **Q. And then you found out from Mr. Hughes**

6 **yesterday or met with Mr. Hughes to discuss the case**

7 **yesterday?**

8 A. Uh-huh.

9 **Q. Between the point of that brief**

10 **conversation with Lieutenant Gomez and yesterday,**

11 **did you speak to anyone about this case?**

12 A. No, not other than Mr. Hughes and --

13 only in passing I'm sure, so ...

14 **Q. Let's talk a little bit about your**

15 **personal background starting with your education.**

16 **Can you give me an idea of post high school what**

17 **your education is or has been?**

18 A. Yep. I have a bachelor's in political

19 science from Benedictine University, I'm sorry,

20 College back then, in Atchison, Kansas.

21 **Q. Say that again.**

22 A. Atchison, Kansas. It is a pretty small

23 school and I graduated in May of '92 and then I have

24 no postgraduate work after that.

25 **Q. What did you do in May of '92? Where**

Page 19

1 **did you go after college?**

2 A. I moved back home and I applied with

3 multiple police departments, and I actually did try

4 and get in a few graduate programs and did not

5 succeed. So that took care of that.

6 But I moved back home and it took

7 about -- about a year and a half to get -- finally

8 get into the Police Academy.

9 **Q. The St. Louis County Police Academy?**

10 A. St. Louis County Police Academy.

11 **Q. So give or take late '93, early '94 is**

12 **when you started at the Police Academy?**

13 A. April of '94.

14 **Q. April '94.**

15 **What positions have you held since**

16 **joining the Police Academy?**

17 A. Let's see. I graduated -- I was

18 offered employment with St. Louis County PD the day

19 after I graduated, so I started within that week

20 with them and I was assigned a division of patrol

21 where everybody starts, uniformed patrol.

22 **Q. This is in the fall of '94?**

23 A. This is August.

24 **Q. August '94?**

25 A. Late summer, right.

Page 20

1 **Q. Because the academy is was about six**

2 **months?**

3 A. At the time it was five, yeah, it was

4 five. So early August I started on the street in

5 the division of patrol. A little less than three

6 years there. And I was transferred to -- it was our

7 division of crimes against persons, but it was a

8 juvenile unit. And I spent about 13 months working

9 for the family court. And then I was transferred

10 from the family court to robbery homicide where I

11 did almost nine years to the day. And I was

12 promoted to sergeant.

13 **Q. When were you promoted?**

14 A. I'm sorry?

15 **Q. When were you promoted?**

16 A. It was April of '07.

17 Let's see, I went back -- I went right

18 back to patrol as a supervisor and I spent about

19 four years on the street. And then I was -- I got

20 pulled into planning and analysis at that time as a

21 sergeant doing the same thing that I think you

22 may -- we might have talked about this already, but

23 dealing with planning and analysis at the time, had

24 two officers and three civilians. And we handled

25 crime stats, policy, our accreditation, and any

5 (Pages 17 to 20)

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1 other project that came down -- came our way, so --
2 **Q. Let me just stop you there and see if**
3 **I'm understanding. So in about 2007, you said you**
4 **were promoted to sergeant?**
5 A. Uh-huh.
6 **Q. And at that time, you went back to**
7 **patrol on the street --**
8 A. Uh-huh.
9 **Q. -- for about --**
10 A. About four.
11 **Q. -- four years?**
12 A. It was August of '11 that I went into
13 planning.
14 **Q. And what group -- what department were**
15 **you in when you became sergeant and went on patrol?**
16 A. I was a detective in robbery homicide
17 when I got promoted --
18 **Q. So you were still in robbery homicide**
19 **at that time?**
20 A. Yeah, uh-huh.
21 **Q. And then in 2011, you moved from**
22 **robbery homicide over to planning and analysis?**
23 A. No. After in robbery homicide in
24 May -- about April of '07, I made sergeant. Right
25 out of there, right back to the street.

Page 22

1 **Q. Uh-huh.**
2 A. Okay. So from May of '07 until August
3 of '11, I was a street sergeant, patrol sergeant.
4 **Q. In robbery homicide?**
5 A. No. Patrol meaning uniform, answering
6 calls on the street.
7 **Q. Understood.**
8 A. That's -- when I say "patrol," that's
9 the function of patrol. It's answering calls, you
10 know, working the road so to speak.
11 The robbery homicide unit is in another
12 division altogether. It's the division of criminal
13 investigation.
14 **Q. Okay. DCI?**
15 A. Yes, sir.
16 **Q. I'm learning a lot about the police**
17 **department over the past couple months.**
18 **And then August '11 is planning or --**
19 A. Uh-huh.
20 **Q. -- planning and analysis?**
21 A. Uh-huh.
22 **Q. And have you held -- I guess you at**
23 **some point promoted to lieutenant?**
24 A. Uh-huh.
25 **Q. When did that happen?**

Page 23

1 A. Let's see. I did about two and a half
2 years in planning and I got promoted in May of '14
3 to lieutenant. And I went back to patrol. I was on
4 the midnight shift in our central county precinct.
5 And then in August, the civil unrest hit.
6 **Q. Say that again.**
7 A. In August of '14, the civil unrest
8 began.
9 **Q. Oh, right. Right.**
10 A. And that kind of changed everything as
11 far as my -- about -- so I still maintained my
12 assignment of patrol at that time, but I was
13 assigned with three detectives to handle
14 unrest-related criminal cases that needed some more
15 attention. And I did -- so I kind of did both. I
16 worked with these group of detectives and I still
17 was on the midnight watch.
18 And then -- so that lasted for about
19 four months. I got into planning and analysis this
20 time as a lieutenant. They reclassified the
21 position and just made it a lieutenant spot, and
22 I've been there ever since.
23 **Q. And you mentioned that you served in a**
24 **supervisory role at some point in that window?**
25 A. Yeah. Yes. As a sergeant and

Page 24

1 certainly as a lieutenant, you're management, you
2 manage subordinates.
3 **Q. How many people have you managed, I**
4 **guess, since you became a sergeant?**
5 A. Let's see. I think my biggest platoon
6 was probably 17 people, in that neighborhood, maybe
7 more.
8 **Q. And these are all officers?**
9 A. Uh-huh.
10 **Q. And who do you report in to?**
11 A. As a sergeant you report to a
12 lieutenant. The lieutenant then reports to the
13 precinct captain.
14 **Q. And who was your direct -- who did you**
15 **directly report into as a sergeant?**
16 A. Let's see. Well, of the three
17 assignments I had on the road, two of them I
18 reported directly to a lieutenant and one of them --
19 one of the assignments was a contract city, a little
20 smaller contract. We didn't have a lieutenant, so I
21 reported directly to the captain.
22 **Q. What was the name of the lieutenant who**
23 **you reported in to?**
24 A. Let's see. In my first assignment, it
25 was Bill Ostendorf. He's retired. Next assignment

6 (Pages 21 to 24)

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<p style="text-align: right;">Page 25</p> <p>1 as a sergeant was Tim Cunningham. He's currently a 2 captain now. Then I was assigned in the City of 3 Fenton where we had no -- I'm sorry, the captain at 4 that point was Jack Webb. 5 I spent a cup of coffee, about five 6 weeks, in the central county precinct where I 7 reported to Kurt Frisz before I went into planning 8 as a sergeant. And it was there that I reported to 9 Captain Mary Barton. 10 Q. At planning and analysis? 11 A. In planning the first time. 12 Q. So the first time, the only person you 13 reported in to at planning was Mary Barton? 14 A. Yeah, captain -- she was -- 15 Q. Captain Barton? 16 A. Yeah, there was no lieutenant between 17 us at that point, right. 18 Q. And then how about the second time? 19 A. Okay. This time now I -- I report to 20 Captain Norm Mann. 21 Q. And has that been the case since you've 22 been back at planning? 23 A. Uh-huh. Since February of '15. 24 Uh-huh. 25 Q. What training have you received for --</p>	<p style="text-align: right;">Page 27</p> <p>1 needed, I go down have conversations with him and 2 that's how I learned, so -- 3 Q. So you said he made planning 4 analysis -- planning and analysis what it is. What 5 does the planning and analysis group do? 6 A. Well, I guess the flyover version is 7 for the last 30 years, it's been -- it's been 8 policy, grants, UCR, crime reporting. 9 Q. What is UCR? 10 A. Uniform crime reporting. Everybody 11 month we have to send a report to the highway patrol 12 for our monthly stats before the end of the month, 13 and then they send it to the FBI. 14 Q. And that's the Missouri State Highway 15 Patrol? 16 A. Yes, uh-huh. And they -- they're 17 mandated by the feds to send everything to the FBI. 18 Q. What's in that report? 19 A. Class one crimes or part one crimes for 20 the previous month. 21 Q. What is a part one crime? 22 A. Your more serious crimes: Murder, 23 rape, robbery, aggravated assaults, stolen autos, 24 burglaries. I think there's about seven of them, 25 so ...</p>
<p style="text-align: right;">Page 26</p> <p>1 for your various positions? 2 A. Well -- 3 Q. We don't have to go all the way back to 4 '94 academy, but have you received any updated 5 training? 6 A. Well, again, there's -- there's quite a 7 few positions along the way. Each one has a 8 specific -- most of them have a specific set of 9 training classes that you can attend. 10 I guess -- I guess I can just stick 11 with planning. When I first got into planning as a 12 sergeant, in August of '11, I -- I didn't know much 13 about it. Okay? And the executive director at the 14 time knew that, but he said: Come on in, you can -- 15 I'll teach you. And there was a lot of OGT [sic], a 16 lot of on-the-job training. Okay. And -- 17 Q. What was the name of the director at 18 the time? 19 A. Bill Howe. He was a civilian executive 20 director over my division. So, and he, I guess, 21 made things a little easier for him because he -- he 22 basically made planning what it was. He spent about 23 17 years in there running planning and analysis 24 before he got promoted and then promoted again. And 25 so he basically took me under his wing. Anything I</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. What else does the planning group do? 2 A. Well, we handle our accreditation for 3 CALEA. That's the Commission on Accreditation for 4 Law Enforcement Agencies. We've been accredited 5 since '98 and that's been planning's baby the whole 6 time. And that takes a lot of our time. But the 7 accreditation, crime reports, policy. Policy 8 that -- I -- policy. We do a ton of policy. 9 Q. What do you guys do on policy? 10 A. Well, I think I mentioned before 11 whether something's created or revised, it starts 12 with us. And that's policy that's department -- 13 that has department-wide applicability. Okay? 14 Q. When you say "starts with us," does it 15 mean you guys have a pen or you guys are the ones 16 making the decisions on how to frame the policy? 17 A. Well, that can happen a couple 18 different ways. If I back up a little bit, CALEA 19 requires policy, all policy, to be reviewed every 20 three years. And that alone keeps us on our toes. 21 Okay? 22 And when I say "review," the review can 23 be, you know, I'm going to pick this one up and I'm 24 going to either do it myself or assign it to 25 somebody. I'm going to go through it, check it out.</p>

7 (Pages 25 to 28)

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<p>1 What we're looking for is: Is anything outdated?</p> <p>2 Is there any legal changes that have occurred in the</p> <p>3 district court, local, state, federal, local,</p> <p>4 whatever that we need to be aware of? Does it</p> <p>5 even -- does the policy even need to be anymore? I</p> <p>6 mean, we'll give it that kind of -- you know, we'll</p> <p>7 go over it like in that regard. Now -- so we have</p> <p>8 that -- we have CALEA telling us to do that already.</p> <p>9 But anybody above my rank can tell, you</p> <p>10 know, can submit a suggestion that: Hey, I think</p> <p>11 you guys need to look at this. Really, honestly it</p> <p>12 can come from anybody if the department, but</p> <p>13 generally it will be somebody -- it will be from the</p> <p>14 chief's office.</p> <p>15 Q. Chief Belmar?</p> <p>16 A. Yeah, chief's office, deputy chief, or</p> <p>17 maybe one of the four colonels will discover</p> <p>18 something, you know. And certainly that gets the</p> <p>19 attention of it at that point.</p> <p>20 Q. How often does that happen? And by</p> <p>21 "that" I mean somebody recommending a change to you</p> <p>22 as opposed to you guys organically doing it through</p> <p>23 your CALEA duties.</p> <p>24 A. Let's just say that I'll guess I'll get</p> <p>25 two are three times a month that I get a suggestion</p>	<p>1 for whatever reason they may come to you and suggest</p> <p>2 something. And once they suggest something to you,</p> <p>3 what's the -- what's the process from going from,</p> <p>4 okay, we've got a recommendation to, yes, let's</p> <p>5 update our policy? How does that decision get made?</p> <p>6 A. Well, a lot -- there are a number --</p> <p>7 there are -- there's a number of things that I'll be</p> <p>8 able to catch just by the nature of my position.</p> <p>9 And the longer I'm there, the more I know. Okay?</p> <p>10 When I first got in there, you know, I was way</p> <p>11 behind the curve.</p> <p>12 So now I can look at something and</p> <p>13 say -- you know, somebody might recommend: Hey, I</p> <p>14 think we need -- I want to do away with this annual</p> <p>15 review of whatever in my unit. And I say: No, you</p> <p>16 can't do that. CALEA requires that. We need this</p> <p>17 annual review, you know, this, that, and the other.</p> <p>18 But if I know that this is something</p> <p>19 that's probably, you know, we need to take a look</p> <p>20 at -- and there really isn't much that I'm not going</p> <p>21 to look at. You know, just about anything is going</p> <p>22 to get -- get reviewed if it's brought to my</p> <p>23 attention. Then --</p> <p>24 Q. Is it fair to say that if you receive a</p> <p>25 recommendation and it doesn't go against CALEA</p>
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<p>1 or somebody will say: Hey, you think you need to</p> <p>2 start looking at this.</p> <p>3 Q. Can you give us an example?</p> <p>4 A. Yeah. Let's see. We did -- we changed</p> <p>5 about 25 general orders in 2015, so let me think if</p> <p>6 I can get an example for you. Well, I recall about</p> <p>7 a year -- maybe a couple years ago, I had a -- the</p> <p>8 department armor came to me and said: Hey, I think</p> <p>9 the -- the parameters on the assault rifle -- the</p> <p>10 twist in the barrel should be this instead of that</p> <p>11 and this is why. And I say oh, okay. You know,</p> <p>12 you're the subject matter expert. Thank you.</p> <p>13 And then we'll -- we have a weapons</p> <p>14 system committee in this case. And I'll say: Did</p> <p>15 you talk to them? Yeah, we talked to them. We need</p> <p>16 to change it. So then I'll whip up a draft, send it</p> <p>17 up my chain of command, and my colonel has to okay</p> <p>18 it, and then we start the sequence that I explained</p> <p>19 earlier.</p> <p>20 Q. That's helpful. So, you know, you guys</p> <p>21 are obviously monitoring under your CALEA</p> <p>22 obligations what might be updated; but if somebody</p> <p>23 is actually out in the field or has some expertise,</p> <p>24 they might come to you and say: Look, you might</p> <p>25 want to look at this or there's been this update or</p>	<p>1 requirements, you're likely to implement it because</p> <p>2 whoever recommended it will help their day-to-day</p> <p>3 job or they think it's the right thing to do?</p> <p>4 A. Right. Right.</p> <p>5 Q. You mentioned that there are 25 pop</p> <p>6 general orders revised in 2015. Is that a lot for a</p> <p>7 year?</p> <p>8 A. That was more than normal, uh-huh.</p> <p>9 Q. Is there a reason that that occurred in</p> <p>10 2015?</p> <p>11 A. I had a workhorse in there, an officer</p> <p>12 who really hustled throughout the year.</p> <p>13 Q. Who was that?</p> <p>14 A. His name is Bob Morley, and now he's</p> <p>15 currently an instructor in the academy. And I made</p> <p>16 it very clear to my superiors that he -- the work --</p> <p>17 that work was done because of his effort. And</p> <p>18 that's just the way it goes sometimes, you know.</p> <p>19 Some people --</p> <p>20 Q. What was he doing that made -- made it</p> <p>21 so necessary to update these orders?</p> <p>22 A. Well, okay. Well, that's part of my</p> <p>23 argument for getting more people in there to begin</p> <p>24 with, but that's -- you know, with my superiors.</p> <p>25 Q. Is it fair to say the orders that he</p>

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<p>1 was updating, in your opinion, should have been</p> <p>2 updated earlier?</p> <p>3 A. They could have been, but I will tell</p> <p>4 you that a lot of the orders that -- that Officer</p> <p>5 Morley dealt with some of them were directly as a</p> <p>6 result of litigation from the civil unrest. Okay?</p> <p>7 You know, we had a media policy, okay, and another</p> <p>8 policy related to media, but we had -- it was part</p> <p>9 of a -- some litigation that we had to revise those</p> <p>10 and include certain elements that weren't there</p> <p>11 before and we learned.</p> <p>12 Q. So there was a lot of civil unrest,</p> <p>13 there was some litigation. In essence attention was</p> <p>14 brought to the police department and therefore you</p> <p>15 updated your policies in response?</p> <p>16 A. Yes. And, again, that's just -- I'm</p> <p>17 sorry. That's one way that it happens.</p> <p>18 Q. Understood.</p> <p>19 Why were you hired into the police --</p> <p>20 excuse me. Withdrawn.</p> <p>21 Why were you hired into the planning</p> <p>22 group?</p> <p>23 A. I was transferred in there in August of</p> <p>24 '11, like I said, by the executive director Bill</p> <p>25 Howe. And I don't know why. I suspect that -- and</p>	<p>1 that they've not yet been arrested for it yet.</p> <p>2 How's that?</p> <p>3 Q. What are the requirements that must</p> <p>4 exist for a wanted entry to be issued?</p> <p>5 A. If I'm -- if I'm investigating a case</p> <p>6 and I put somebody out as wanted, I need to have</p> <p>7 probable cause -- probable cause has to exist that</p> <p>8 they committed a crime before I'm going to put them</p> <p>9 in as wanted or enter them into REJIS as wanted.</p> <p>10 Q. So you described a wanted as an entry</p> <p>11 for a person who is wanted who has not yet been</p> <p>12 arrested -- wanted for committed a crime who has not</p> <p>13 yet been arrested. So why -- how is that different</p> <p>14 than an arrest warrant?</p> <p>15 A. By definition I would say that an</p> <p>16 arrest warrant, of course, is reviewed by our</p> <p>17 prosecuting attorney and then signed by a judge. A</p> <p>18 wanted is -- is probable cause developed by an</p> <p>19 investigating officer at the time that they receive</p> <p>20 a complaint or they develop the probable cause over</p> <p>21 a period of time by their victim witnesses,</p> <p>22 et cetera. So ...</p> <p>23 Q. So why would an officer issue a wanted</p> <p>24 instead of getting an arrest warrant?</p> <p>25 A. Well, there's -- I know that, you know,</p>
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<p>1 I -- I don't know if I should even do this, but I</p> <p>2 could only surmise that I have a poly sci bachelor's</p> <p>3 and the previous sergeant had a poly sci bachelor's</p> <p>4 from Mizzou. So maybe he thought we were inclined</p> <p>5 to sit down and look at things. I don't know. I</p> <p>6 don't know. And there was no qualification to get</p> <p>7 in there. There was no criteria.</p> <p>8 Q. Who preceded you in the position?</p> <p>9 A. Jeff Burk, a retired lieutenant about</p> <p>10 three or four months ago, Mike? Yeah. So ...</p> <p>11 Q. You replaced him or you came in and</p> <p>12 worked alongside him?</p> <p>13 A. I replaced him.</p> <p>14 Q. Where did he move in --</p> <p>15 A. He went -- he got promoted from</p> <p>16 sergeant to lieutenant and then was assigned the</p> <p>17 division of patrol up north in our North County</p> <p>18 precinct.</p> <p>19 Q. Did you ever work alongside him?</p> <p>20 A. No.</p> <p>21 Q. What is a wanted?</p> <p>22 A. What is a wanted? A wanted is -- how</p> <p>23 can I be brief? A wanted is a -- an entry into</p> <p>24 our -- our computer system, REJIS system, indicating</p> <p>25 that a person is wanted -- is wanted for a crime and</p>	<p>1 these -- I had these very same questions 22 years</p> <p>2 ago. You know, you can be taught X number of things</p> <p>3 and then when you get out in the field and you start</p> <p>4 really, you know, doing the practical side of it,</p> <p>5 you know, you want to know when the right time is to</p> <p>6 do this and not do that.</p> <p>7 The -- repeat that last question. Or</p> <p>8 I'm sorry, repeat that again.</p> <p>9 Q. Sure. No problem.</p> <p>10 Why would an officer issue a wanted</p> <p>11 instead of going and getting an arrest warrant?</p> <p>12 A. Okay. Generally -- and even -- I</p> <p>13 shouldn't say generally. Our Prosecuting Attorney's</p> <p>14 Office requires an attempt at an interview with your</p> <p>15 suspect before they will entertain a warrant</p> <p>16 application for whatever reasons that is, okay?</p> <p>17 So, you know, if I investigate a case,</p> <p>18 I determine you've done it, and I don't know where</p> <p>19 you're at -- you know, if I know where at, I'm going</p> <p>20 to go pick you up, okay. And we'll do it right</p> <p>21 there. But otherwise I'll make attempts find you</p> <p>22 and if I can't, then I'll putting out wanted.</p> <p>23 Q. And what if you speak to me and I tell</p> <p>24 you that I'm not talking to you or I don't want to</p> <p>25 talk to you or, you know --</p>

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<p style="text-align: right;">Page 37</p> <p>1 MR. HUGHES: Can I just object to the 2 form of the question as being vague and calls for 3 speculation. Are you -- do you mean speaking in 4 person and saying I don't want to talk to you or do 5 you mean or what? I mean, he's just -- 6 BY MR. HOLLAND: 7 Q. You said when you're -- the Prosecuting 8 Attorney's Office requires an attempt at an 9 interview or attempt at questioning before they'll 10 issue an arrest warrant. What if you're talking to 11 me on the phone and I tell you I'm not going to -- 12 I'm not going to speak with you or, you know, speak 13 to my attorney, what happens then? Is there any -- 14 is there still a need for the wanted? 15 A. Well, I -- personally, you know, if I'm 16 on -- if I'm talking to you on the phone, I don't 17 know who I'm talking to. You can tell me all day 18 long who you are, but if I don't know -- I don't see 19 you. So I have -- I can't take the chance, you 20 know. I want -- I want to sit down with you and 21 know that it's your -- you know, it's the same 22 reason we fingerprint people. We know that we had 23 you, back in the day, you know, when I actually did 24 that. 25 But, no, phone interviews are fine, but</p>	<p style="text-align: right;">Page 39</p> <p>1 not good enough for a warrant, you need to attempt 2 at an interview? 3 A. I don't believe it's in writing 4 anywhere. 5 Q. How about a stop order? What's that? 6 A. Well, I'm not as familiar with stop 7 orders. But a stop order, if I recall correctly, is 8 specific to -- our local system is REJIS and then we 9 have MULES, which is the Missouri system, and then 10 we have NCIC, which of course is nationwide. Okay? 11 The stop order, I believe, is specific 12 to MULES. And I think they can -- stop orders are 13 similar to a wanted, it's just called stop order and 14 it's for a different computer system. And I believe 15 that it's limited to maybe a one charge, I think. 16 And then it's good for a year in the State's -- in 17 the MULES system. 18 Q. What do you mean it's good for a year? 19 A. I'm sorry. It will stay as long -- and 20 I don't know what their verification process is, 21 meaning, "they" meaning MULES. But it's -- it can 22 be -- it can be maintained in their system for 12 23 months. I don't -- clearly if it's a felony, then I 24 don't know what the -- you know, that -- you know, 25 extends to three years or more. I don't know how</p>
<p style="text-align: right;">Page 38</p> <p>1 for me I still -- I still need to physically see you 2 so that I'm certain that there's no -- there's no 3 problem with the fact that I could have been talking 4 to your twin brother or your cousin or somebody 5 else. Just a matter of investigative preference, I 6 guess. 7 Q. Is there any policy that say you need 8 to see a person in person rather than hearing their 9 voice? 10 A. No, I don't believe so. 11 Q. How did you learn that the Prosecuting 12 Attorney's Office requires this attempt at an 13 interview before issuing a warrant? 14 A. Probably I would suspect it was during 15 my training period once I got out of the Police 16 Academy. And we had 12 weeks -- a 12-week training 17 period back then with two different field training 18 instructors. And it was during the course of those 19 conversations that I'm almost positive. 20 Q. Do you recall being told that or you're 21 just assuming? 22 A. At this point I'm going to assume. It 23 was too long ago. 24 Q. But since then nobody has told you 25 that, you know, if you have probable cause, that's</p>	<p style="text-align: right;">Page 40</p> <p>1 they continue to verify on that. 2 Q. I don't want you to guess. 3 A. Yeah. 4 Q. It sounds like you're much more 5 familiar with REJIS than MULES; is that fair? 6 A. Yes. 7 Q. And you just use MULES -- I mean, 8 excuse me. strike that. 9 You just use REJIS when -- when it 10 comes to be that you would need to enter something? 11 A. Well, it depends -- back -- it depended 12 on the type of the case, you know. When I'm 13 entering a wanted, you know, one of my, you know, 14 what's the charge and what kind of extradition am I 15 looking at? You know, I'm not going to do statewide 16 for a, you know, littering charge something to that 17 effect. 18 Q. So you're -- your use of the systems 19 depends on how far you want the message to go out; 20 is that fair? 21 A. Based on the severity of the crime. I 22 would say, yeah, yes. Again, it's been some time 23 since I've done this, so ... 24 Q. May a wanted be issued for the purposes 25 of detaining somebody for questioning?</p>

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1 A. I mean, not without probable cause.

2 **Q. Right. So probable cause and then you**

3 **can issue a wanted for the purpose of having an**

4 **individual detained for questioning.**

5 A. Yes.

6 **Q. I'm just going to show you a couple of**

7 **documents. Mark these as Morrow 2 and 3.**

8 **(Exhibits 2 and 3 were marked**

9 **for identification.)**

10 BY MR. HOLLAND:

11 **Q. These are two newsletters that we found**

12 **on the police department's website.**

13 MR. HUGHES: Which one is 2 and which

14 one is 3? One says 1601 --

15 MR. HOLLAND: 15 is 2. 16 -- right.

16 So they're both titled the CJIS newsletter, which is

17 Criminal Justice Information Services. Exhibit 2 is

18 dated -- is -- has a 15-01 on it. Exhibit 3 has

19 just 16-01 on it.

20 **Q. So let's start with the -- would you**

21 **agree that 15-01 suggests that this is 2015?**

22 A. Sure.

23 **Q. Are you familiar with this document at**

24 **all?**

25 A. Huh-huh. No, sir.

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1 **Q. I just want to direct you to page 15.**

2 **So stop orders -- the second paragraph reads: "A**

3 **Stop Order should be issued when the investigating**

4 **officer has probable cause to believe a person has**

5 **been involved in a crime, but is unable to obtain a**

6 **warrant until further information can be derived**

7 **from the said individual."**

8 **What information beyond probable cause**

9 **would be required there?**

10 MR. HUGHES: My objection is you're

11 asking him to comment on Missouri Highway Patrol

12 newsletter that he just said he's not familiar with.

13 So you're asking him to speculate --

14 MR. HOLLAND: We found these on the

15 St. Louis County Police Department's website, so

16 that's -- that's why I was asking about it.

17 MR. HUGHES: Still, you know, it does

18 say Missouri State Highway Patrol.

19 MR. HOLLAND: I see.

20 MR. HUGHES: And he said he's not

21 familiar with it, so ...

22 BY MR. HOLLAND:

23 **Q. So what information -- what further**

24 **information as this reads here would be required to**

25 **obtain a warrant in addition to probable cause?**

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1 A. Yeah, I see what you're saying, but

2 you're unable to obtain a warrant until. It's the

3 word "until," I guess, that's the question here.

4 You know, if you -- if you've got

5 probable cause as an investigator, regardless of

6 your -- you know, your assignment, your experience,

7 you know, if you've got probable cause, however it

8 is that you came to get that probable cause, in your

9 mind you believe that you've got enough for a

10 warrant, at least that, you know --

11 **Q. And that's my understanding, so I'm**

12 **just wondering what this --**

13 A. Well --

14 **Q. -- further information that, you**

15 **know --**

16 A. Well, I think the further information,

17 you know, certainly -- certainly if you've got -- if

18 you bring somebody in and they confess to the crime,

19 then that's an additional piece.

20 If, you know, the additional probable

21 cause might be: Well, hey, you know what, I pitched

22 the gun in a sewer over here and you can find it.

23 You know, I burned the car and I put it in the

24 Mississippi. I mean, that's additional information

25 to what you know they already did, just different,

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1 you know, pieces of evidence that you weren't maybe

2 aware of. And those are the things that can be

3 determined from an interview? Maybe that's what --

4 again, I don't -- I don't know what they're looking

5 for here.

6 **Q. Wouldn't you able to get a warrant**

7 **without that information if you have the probable**

8 **cause?**

9 A. You --

10 MR. HUGHES: Well, objection. Calls

11 for speculation and conjecture as to whether or not

12 prosecuting attorney would issue a warrant without

13 that information.

14 BY MR. HOLLAND:

15 **Q. Do officers receive any training on**

16 **when they will and will not be able to obtain a**

17 **warrant?**

18 A. Aside from -- okay. I'm sorry. When

19 they will or will not be able to obtain a warrant?

20 Is that what you're asking?

21 **Q. Correct.**

22 A. I don't know outside of what they're

23 taught in the academy, in the Police Academy, and

24 really and/or subsequent classes that they might

25 take as electives on their own at the academy. The

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<p>1 type of -- you know, with this as a subject matter,</p> <p>2 you know, there might be a subject matter expert</p> <p>3 teaching the class who might be able to, you know,</p> <p>4 expand on what they learned initially and talk</p> <p>5 about, I guess, the nuances of warrant application,</p> <p>6 but I don't know if there's anything specific aside</p> <p>7 from Police Academy.</p> <p>8 Q. And are you -- do you recall classes on</p> <p>9 this topic in the Police Academy or you're just</p> <p>10 guessing that would have been -- they could have</p> <p>11 been covered in the academy?</p> <p>12 A. I'm guessing. I wouldn't -- I don't</p> <p>13 know off -- I don't know off the top of my head if</p> <p>14 there are specific classes about warrant</p> <p>15 application.</p> <p>16 Q. But I'm just trying to understand, you</p> <p>17 know, as an officer you try to come to a</p> <p>18 determination that there's probable cause. But</p> <p>19 you've mentioned that the Prosecuting Attorney's</p> <p>20 Office requires an attempted interview. This</p> <p>21 document suggests that there's a need for further</p> <p>22 information. I'm just wondering how the police</p> <p>23 officer knows okay, now I can go get a warrant. You</p> <p>24 know.</p> <p>25 A. Well, yeah. As far as being</p>	<p>1 booking facility -- the closest booking -- usually</p> <p>2 it's the precinct they're in or assigned to or it</p> <p>3 will be the county jail down in Clayton, the</p> <p>4 general intake. But they -- they have to have our</p> <p>5 record room send a locate, a hit that they're</p> <p>6 speaking of, to that -- you know, jurisdiction or</p> <p>7 whatever agency it is to verify.</p> <p>8 Q. Does that happen after the individual</p> <p>9 is taken into custody?</p> <p>10 A. Well, that's where I'm -- actually I</p> <p>11 think -- I think a lot of officers try and do it on</p> <p>12 scene as a courtesy, okay, to make sure that they've</p> <p>13 got what they've got. I mean, if -- if it's -- what</p> <p>14 we have -- we have to rely on good faith as an</p> <p>15 officer on the road. If I pull someone over in a</p> <p>16 wanted pops up, do you know what, as a safety</p> <p>17 precaution I'm probably going to put you in cuffs</p> <p>18 pretty quick.</p> <p>19 Q. You're relying on the issuing officer's</p> <p>20 determination of probable cause --</p> <p>21 A. Correct.</p> <p>22 Q. -- that everything is accurately</p> <p>23 inputted?</p> <p>24 A. Yeah.</p> <p>25 Q. Understood.</p>
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<p>1 instructed, so I don't know the answer to that.</p> <p>2 Q. Okay. So if we look at the fourth</p> <p>3 paragraph on page 15, it says: "Agencies should</p> <p>4 know that there are no guidelines in place as to how</p> <p>5 another agency must handle a Stop Order hit</p> <p>6 received. It is encouraged that if the agency is</p> <p>7 within the extradition limits of a Stop Order, a hit</p> <p>8 confirmation" --</p> <p>9 (Court reporter</p> <p>10 clarification.)</p> <p>11 BY MR. HOLLAND:</p> <p>12 Q. I'll -- withdrawn.</p> <p>13 Page 15, paragraph 4 reads: "Agencies</p> <p>14 should know that there are no guidelines in place as</p> <p>15 to how another agency must handle a Stop Order hit</p> <p>16 received." The last sentence of that paragraph</p> <p>17 reads: "There are no requirements in place stating</p> <p>18 that an agency must hold or detain on a Stop Order</p> <p>19 and each agency can establish their own policy on</p> <p>20 these matters."</p> <p>21 What is the St. Louis County Police</p> <p>22 Department's policy on these matters?</p> <p>23 A. If we -- if we arrest another agency's</p> <p>24 wanted or stop order, we take the person into</p> <p>25 custody and we transport them to whatever the local</p>	<p>1 A. So if they can determine at the scene</p> <p>2 that it's still valid, then all the better. If</p> <p>3 not they -- they will obviously release him right</p> <p>4 there.</p> <p>5 Q. Did there come a time where stop orders</p> <p>6 became known as person of interest entries?</p> <p>7 A. I think -- I think that that is</p> <p>8 something that the Highway Patrol discussed, but I'm</p> <p>9 not familiar with. But I believe that it did -- at</p> <p>10 some point did morph into that -- that phrase.</p> <p>11 Q. But you're not familiar with --</p> <p>12 A. No, no.</p> <p>13 Q. Understood.</p> <p>14 How do officers make a probable cause</p> <p>15 determination?</p> <p>16 A. Assess the facts at the scene or assess</p> <p>17 the facts that are presented to them during their</p> <p>18 investigation.</p> <p>19 Q. Is there training on how do that?</p> <p>20 A. Yes. Yes. When we -- when you -- when</p> <p>21 you're taught statutory law in the state of</p> <p>22 Missouri -- Missouri statutory law at the Police</p> <p>23 Academy, you go over every element of the crime, of</p> <p>24 as many as they can cover in a month or whatever</p> <p>25 they're doing, whatever time they allot. And it's</p>

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<p>1 at that time that they go over -- they'll -- they'll</p> <p>2 use examples of crimes based on what they just</p> <p>3 learned and talk about at some point -- you know,</p> <p>4 throughout that lesson plan they talk about, you</p> <p>5 know, this happened, this happened, this happened,</p> <p>6 what do you think? And it's -- it's like -- it's a</p> <p>7 give and take at that point. And I think they</p> <p>8 follow up with some testing. I don't know. But</p> <p>9 that would be -- that would be the time, in my</p> <p>10 opinion, that that's first discussed.</p> <p>11 Q. Are they taught whether there's, you</p> <p>12 know, a barometer of, okay, now you've tripped the</p> <p>13 line of probable cause? You know, how much -- how</p> <p>14 confident do you have to be to make that</p> <p>15 determination and issue the wanted?</p> <p>16 A. The -- based on my training days,</p> <p>17 generally probable cause you were about -- if you</p> <p>18 were to assign a percentage to it, you knew you were</p> <p>19 75 to 80 to 100 percent there that -- that this</p> <p>20 person committed the crime, probably higher --</p> <p>21 probably 80 percent or up depending -- I forget who</p> <p>22 the instructor was back in the day that went through</p> <p>23 that with us, but you knew. You knew. There wasn't</p> <p>24 a lot of space left for this person that they might</p> <p>25 not have committed the crime, but it was generally</p>	<p>1 Q. And probable cause has always been</p> <p>2 required in order for a wanted to be issued?</p> <p>3 A. Yeah, yes.</p> <p>4 Q. I'll show you what has been marked</p> <p>5 previously Gomez Exhibits 7, 8, and 9.</p> <p>6 (Previously marked Exhibits 7</p> <p>7 through 9 were shown to the</p> <p>8 witness.)</p> <p>9 BY MR. HOLLAND:</p> <p>10 Q. Are you familiar with these documents?</p> <p>11 A. Yes.</p> <p>12 Q. What are they?</p> <p>13 A. These are department general orders.</p> <p>14 It's one general order, three versions.</p> <p>15 Q. So is it accurate to say that Gomez 7</p> <p>16 was in place from September 13th, 2011, until it was</p> <p>17 replaced by Gomez 8 on July 15th, 2015?</p> <p>18 A. Yes.</p> <p>19 Q. And Gomez 8 was in effect from July 15,</p> <p>20 2015, until it was replaced by Gomez 9 on</p> <p>21 September 14, 2016?</p> <p>22 A. Yes.</p> <p>23 Q. In Gomez 8 if we look -- is the bolded</p> <p>24 language new language? Is that what that --</p> <p>25 A. Yeah, it indicates a revision, yes,</p>
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<p>1 something along those lines.</p> <p>2 Q. Why don't you -- what does it need to</p> <p>3 be based on? I know you mentioned assessment of the</p> <p>4 facts, but -- I mean, do you need a certain number</p> <p>5 of witnesses?</p> <p>6 A. No, there's no -- there's no hard and</p> <p>7 fast rules that I'm aware of. But, you know, one</p> <p>8 witness if might be all it takes. But there --</p> <p>9 there really -- it's just a totality of the</p> <p>10 circumstances as the phrase goes.</p> <p>11 Q. The gut feeling?</p> <p>12 A. I don't like that. It could be for</p> <p>13 some, but I -- the totality of the -- facts and</p> <p>14 circumstances. How's that?</p> <p>15 Q. That's fine.</p> <p>16 A. That's my preference, yeah.</p> <p>17 Q. Understood.</p> <p>18 You mentioned instructors. Who teaches</p> <p>19 the officers how to make this determination?</p> <p>20 A. One of the academy instructors. I</p> <p>21 think the officer that handles constitutional law</p> <p>22 and state law.</p> <p>23 Q. Is that officer legally trained or just</p> <p>24 a police officer?</p> <p>25 A. Police officer.</p>	<p>1 or -- or new information.</p> <p>2 Q. And were you involved in updating these</p> <p>3 documents?</p> <p>4 A. Let's see. July of '15, I was.</p> <p>5 Q. What do you recall about these -- the</p> <p>6 updates that were made -- well -- strike that.</p> <p>7 Let's look at page 2 of 5 in Gomez 8,</p> <p>8 which is the 2015 version. Do you see paragraph B1</p> <p>9 little A?</p> <p>10 A. Yes.</p> <p>11 Q. That's in bold, correct?</p> <p>12 A. Yes.</p> <p>13 Q. It reads: "Once the case officer has</p> <p>14 determined probable cause exists that a person has</p> <p>15 committed a crime, only the case officer shall</p> <p>16 request wanted person entries. The case officer</p> <p>17 will contact CARE or DCI word processing and</p> <p>18 requesting a wanted entry on the person."</p> <p>19 Other than the grammatical error that</p> <p>20 should probably be request instead of requesting,</p> <p>21 did I read that correctly?</p> <p>22 A. Yes.</p> <p>23 Q. What do you -- what can you tell me</p> <p>24 about the addition of this language to this general</p> <p>25 order?</p>

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<p>1 A. You caught a grammatical error.</p> <p>2 Thanks. That's my -- I missed that one.</p> <p>3 Q. I won't --</p> <p>4 A. But thank you though.</p> <p>5 Let's see. This was -- this was a --</p> <p>6 this particular change was brought to my attention</p> <p>7 specifically via the chief's office from Colonel</p> <p>8 Corvington who has a police commissioner on our</p> <p>9 board -- our police board. Okay? Civilian -- on</p> <p>10 our civilian police board.</p> <p>11 Q. What's the civilian police board?</p> <p>12 A. It's a five-member board that appoints</p> <p>13 the chief of police, hears appeals for terminations,</p> <p>14 reviews policy, signs off on every policy. Most</p> <p>15 general orders. I'm sorry, all general orders, but</p> <p>16 not all -- like, they don't sign off on a specific</p> <p>17 unit procedure for planning. They don't -- you</p> <p>18 know, they only handle signing and reviewing the</p> <p>19 directives that are -- have department-wide</p> <p>20 applicability. And they -- they have some other</p> <p>21 duties that aren't coming to me at the moment.</p> <p>22 Q. Who sits on the -- who are the five</p> <p>23 members?</p> <p>24 A. Huh. Well, let's see, Colonel</p> <p>25 Corvington is the commissioner and Laurie Westfall</p>	<p>1 from other --</p> <p>2 Q. What issues --</p> <p>3 A. -- departments.</p> <p>4 Q. -- were those?</p> <p>5 A. That it was specific to the 109-page</p> <p>6 police report or I'm sorry, the DOJ report regarding</p> <p>7 the City of Ferguson's police department. One of</p> <p>8 the sections in that review was concerning the use</p> <p>9 of wanteds. And they had some -- they had some</p> <p>10 other interviews, some of the interviews done by the</p> <p>11 DOJ revealed that certain officers on that</p> <p>12 department weren't very clear on the use of wanteds.</p> <p>13 That prompted -- and I'm -- I hate to</p> <p>14 speak for my colonel, Colonel Corvington, but he</p> <p>15 reviewed our policy and discovered the phrase</p> <p>16 "reasonable grounds" I think is what was brought to</p> <p>17 my attention.</p> <p>18 Q. If we look at Gomez 7, I think you're</p> <p>19 right.</p> <p>20 A. Yeah, he discovered that and wanted to</p> <p>21 know why it wasn't probable cause, which is what,</p> <p>22 obviously, we were taught from the start in our</p> <p>23 careers.</p> <p>24 I didn't know at the time why that was.</p> <p>25 This order was approved right after I got into</p>
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<p>1 is on the board. She's secretary I think. And then</p> <p>2 there's a couple that are escaping me. There's two</p> <p>3 new members, but there's five total.</p> <p>4 Q. What qualifications do they have to sit</p> <p>5 on the board?</p> <p>6 A. They are -- obviously they're civilian.</p> <p>7 And I don't know -- I think they're looking more for</p> <p>8 a -- "they" being -- they're appointed by the county</p> <p>9 executive, first of all. Okay? In St. Louis County</p> <p>10 it's like the mayor. Same deal.</p> <p>11 Q. Uh-huh.</p> <p>12 A. And they are looking for a</p> <p>13 cross-section of people from the community to not</p> <p>14 necessarily serve as oversight, but they're</p> <p>15 oversight. If that makes sense.</p> <p>16 Q. So if we look at Gomez 7, which is the</p> <p>17 2011 version of the general order, in the same area</p> <p>18 Section B1 little A, there's no mention of, you</p> <p>19 know, the need for probable cause, right?</p> <p>20 A. Right.</p> <p>21 Q. So that language was added in 2015. Do</p> <p>22 you know why?</p> <p>23 A. What was explained to me was that</p> <p>24 Colonel Corvington reviewed our order after there</p> <p>25 were issues brought to attention by the DOJ</p>	<p>1 planning in '11 and I had -- I didn't have anything</p> <p>2 to do with it at the time. I was still learning --</p> <p>3 learning the job.</p> <p>4 Q. Did you learn who was responsible for</p> <p>5 drafting the 2011 version?</p> <p>6 A. Well, it looks like it's George --</p> <p>7 Officer Randy Vaughn. Right here next to Tim -- the</p> <p>8 TF for Tim Fitch, it says GV, which is George</p> <p>9 Vaughn, his real -- he goes by Randy.</p> <p>10 Q. Where do you see that?</p> <p>11 A. Down -- on the signature page.</p> <p>12 Q. 404? On the last page --</p> <p>13 A. Okay.</p> <p>14 Q. -- I see Colonel Timothy Fitch.</p> <p>15 A. We see the TV right here in small</p> <p>16 print? Off to the left?</p> <p>17 Q. I see GV, yes.</p> <p>18 A. And the TF is right next to it. I'm</p> <p>19 sorry, I said TV.</p> <p>20 Q. TF signed, but GV was involved in</p> <p>21 drafting.</p> <p>22 A. Yeah.</p> <p>23 Q. That's how you understand that to mean?</p> <p>24 A. That's exactly what that means. Now --</p> <p>25 now, what Officer Vaughn, he was my -- he was my</p>

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<p>1 policy person at the time. He may have worked on</p> <p>2 this. Whatever the changes were made for this</p> <p>3 particular version, he could have worked on this for</p> <p>4 months leading up to it. I just came in in August,</p> <p>5 so I caught the tail end of it.</p> <p>6 But that's -- you know, if I started</p> <p>7 looking at this, I probably remember a little more.</p> <p>8 Now, as I look at this, yeah, this is -- this --</p> <p>9 some of the changes that were made regarding stolen</p> <p>10 autos. And we had -- I think there was a -- more</p> <p>11 clarity needed on what officers were expected to do</p> <p>12 when they recovered a stolen auto. I think that's</p> <p>13 what that was, so ...</p> <p>14 Q. If you had been in the planning role</p> <p>15 that you began in August 2011 earlier, you would</p> <p>16 have been involved in drafting a document like this</p> <p>17 or overseeing the drafting of a document like this?</p> <p>18 A. Yes.</p> <p>19 Q. So do you understand that Lieutenant</p> <p>20 Burk would have been involved in the drafting of a</p> <p>21 document like this?</p> <p>22 A. Yeah. Yes, he would have.</p> <p>23 Q. So 2015 Colonel Corvington -- did I say</p> <p>24 that right?</p> <p>25 A. Corvington.</p>	<p>1 A. No. Well, we didn't know why it</p> <p>2 wasn't. How's that? So there were discussions. I</p> <p>3 probably -- I seem to remember talking to -- I don't</p> <p>4 remember if it was the chief or Colonel Corvington,</p> <p>5 but it -- you know, saying, "I don't understand why</p> <p>6 this isn't here." You know, it's easy to blame the</p> <p>7 last group, you know.</p> <p>8 But that -- that particular section I</p> <p>9 don't remember -- I'd have to look at the historical</p> <p>10 document of -- the history of this document to go</p> <p>11 back and see when that was put in. And honestly --</p> <p>12 you know, not until Mr. Hughes and I spoke yesterday</p> <p>13 did I realize that it's from, you know, 544216 or</p> <p>14 whatever the state statute is. It says reasonable</p> <p>15 grounds in that statute.</p> <p>16 So I'm surmising, but I'm guessing</p> <p>17 whoever wrote this back in the day, used that</p> <p>18 verbiage, which we do often. We'll take it directly</p> <p>19 from statute, an ordinance, anything, and put it in</p> <p>20 our orders. So that's -- I can only assume that</p> <p>21 that's why they had that verbiage in there.</p> <p>22 Q. When the change was made, was there a</p> <p>23 memorandum or notice sent out either among</p> <p>24 lieutenants or precinct-wide?</p> <p>25 A. I don't know. We don't generally -- we</p>
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<p>1 Q. Corvington.</p> <p>2 A. Yep.</p> <p>3 Q. Did he have this conversation with you</p> <p>4 about this needed change or somebody else?</p> <p>5 A. I don't think I spoke with him.</p> <p>6 Q. Do you know who you spoke with to learn</p> <p>7 of this change?</p> <p>8 A. It could -- I don't remember if it was</p> <p>9 Chief Belmar or if it was his aide, sergeant -- I</p> <p>10 don't know who his aide was at the -- at that point.</p> <p>11 It might have been Sergeant Schaffer. But there's a</p> <p>12 lot of messages that I get regarding decisions that</p> <p>13 are made by the chief and/or deputy chief, that's</p> <p>14 Sergeant Schaffer, who's -- the aide comes down and</p> <p>15 say, "Hey, here's what they want. Do it."</p> <p>16 Q. How do you get these messages?</p> <p>17 A. Sometimes it's a conversation, a direct</p> <p>18 conversation. Sometimes it's an email. A lot of</p> <p>19 times I ask for email so I can track it later. But</p> <p>20 it was in this case that he wanted probable cause</p> <p>21 put in there, okay? The Colonel Corvington and</p> <p>22 certainly the Chief Belmar. Of course that makes</p> <p>23 sense.</p> <p>24 Q. Is there any discussion about why it</p> <p>25 hasn't been in there previously?</p>	<p>1 don't generally send out memoranda to make changes.</p> <p>2 Sometimes -- and when I say that, it's -- we call it</p> <p>3 a to/from. To the department personnel, from Chief</p> <p>4 Belmar, okay? And we can -- it would be via email.</p> <p>5 We could send it out saying: Hey, we discovered</p> <p>6 this. Cease and desist or continue to do or</p> <p>7 whatever the message might be, okay?</p> <p>8 But I think this one -- this one was</p> <p>9 changed just like all of them. We made the change.</p> <p>10 I sent it up my chain of command. It got approved.</p> <p>11 It went down the line. And then made its ways to</p> <p>12 command staff, got approved, we put it out.</p> <p>13 Q. And you mentioned looking at the</p> <p>14 history of these documents. How do you go about</p> <p>15 doing that?</p> <p>16 A. We're required to keep everything. Our</p> <p>17 retention schedule for -- sorry. Our retention</p> <p>18 schedule for my unit, if I recall correctly, our</p> <p>19 general orders we keep them forever, the signed doc.</p> <p>20 And eventually I'll PDF them and then we'll save</p> <p>21 them that way. And then I'll send -- I'll keep the</p> <p>22 PDF for us and then I'll send the hard doc off-site.</p> <p>23 Q. So it will let you know how often a</p> <p>24 document was worked on updated and what prior</p> <p>25 versions were --</p>

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<p>1 A. Uh-huh.</p> <p>2 Q. -- who worked on it.</p> <p>3 A. Uh-huh.</p> <p>4 Q. You say -- do you say drafts as well of</p> <p>5 those documents?</p> <p>6 A. Huh-huh.</p> <p>7 Q. So --</p> <p>8 A. No, I don't.</p> <p>9 Q. Only the final versions --</p> <p>10 A. I wish. But no, because historically</p> <p>11 speaking, as someone sitting in my seat, you know, I</p> <p>12 want to know why these things were made because --</p> <p>13 and in fact, since I got in there, actually my</p> <p>14 second tour, I mandated my -- anybody that works on</p> <p>15 policy in my office, I want you to put in there a</p> <p>16 paragraph why.</p> <p>17 I mean, there's an ATS, administrative</p> <p>18 transmittal sheet, that accompanies everything that</p> <p>19 goes up our chain of command. And in that we'll</p> <p>20 have a brief explanation about: Hey, this came out</p> <p>21 because the colonel said to or this, that, and the</p> <p>22 other.</p> <p>23 Or actually, we're in the process of</p> <p>24 changing our use of force regarding a fourth</p> <p>25 district Taser -- not far from, I guess it was</p>	<p>1 down for us.</p> <p>2 A. They're very -- I'm sorry. They're</p> <p>3 very basic explanations. The subject -- usually a</p> <p>4 paragraph. If it's something more significant,</p> <p>5 we'll attach a memo with a full-page explanation,</p> <p>6 but it just depends. More often than not, it's</p> <p>7 three or four lines. But, yeah, you can -- and in</p> <p>8 that --</p> <p>9 Q. So these -- updates to these documents</p> <p>10 will definitely be, should be in either the</p> <p>11 transmittal or if there's an accompanying memo, that</p> <p>12 goes with it. And you mentioned that you get</p> <p>13 messages. You prefer to get messages by email.</p> <p>14 A. Uh-huh.</p> <p>15 Q. Do you save those emails as well?</p> <p>16 A. I don't save them, but I can -- we</p> <p>17 use -- we utilize Barracuda and I can get them. I</p> <p>18 can get them. And it just depends. Sometimes I</p> <p>19 will save it into my desktop if I know I'm going to</p> <p>20 need it in a few months, but then I'll discard or</p> <p>21 delete it.</p> <p>22 MR. HOLLAND: Why don't we take a short</p> <p>23 break. Use the bathroom. Give her a break. Does</p> <p>24 that sound okay?</p> <p>25 THE VIDEOGRAPHER: The time is 2:51.</p>
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<p>1 Virginia or something. Anyway long story short,</p> <p>2 we're moving our use of Taser in our use of force</p> <p>3 continuum. It hasn't been approved yet, but that's</p> <p>4 the thing of thing. You know, hey, decision X</p> <p>5 versus Y, this is why we did it.</p> <p>6 And that's the kind of thing we're</p> <p>7 trying to do now, so that those that replace us down</p> <p>8 line, when they sit here, they can say why. Well,</p> <p>9 Morrow did this so --</p> <p>10 Q. That makes a lot of sense to me.</p> <p>11 A. Yeah, we're getting better at it,</p> <p>12 but --</p> <p>13 Q. This 2015 version, it would have come</p> <p>14 with a transmittal sheet showing information as to</p> <p>15 why --</p> <p>16 A. They all do.</p> <p>17 Q. -- alternate? Where is that stored?</p> <p>18 A. I've got it. It's in the file.</p> <p>19 Q. Is that something we could get from</p> <p>20 you?</p> <p>21 A. Sure. Sure.</p> <p>22 Q. You don't have to --</p> <p>23 A. And on that you don't -- okay.</p> <p>24 Q. You don't have to write it down.</p> <p>25 Mr. Hughes we'll coordinate with you on getting that</p>	<p>1 We're off the record.</p> <p>2 (Recess taken.)</p> <p>3 THE VIDEOGRAPHER: The time is</p> <p>4 3:00 o'clock. We are back on the record.</p> <p>5 BY MR. HOLLAND:</p> <p>6 Q. Lieutenant Morrow, before we took a</p> <p>7 break, we were talking about Gomez Exhibits 7 and 8,</p> <p>8 the updates in 2015 that added the language</p> <p>9 "probable cause." How did that change impact</p> <p>10 day-to-day police work?</p> <p>11 A. Well, I don't believe that it did.</p> <p>12 Q. So why was the change made?</p> <p>13 A. We were already doing it. We already</p> <p>14 required probable cause for a wanted. The change</p> <p>15 was made at the direction of my -- my chief.</p> <p>16 Q. So you don't know the reason why it --</p> <p>17 A. I don't.</p> <p>18 Q. -- was -- do you know if there was any</p> <p>19 additional training on the update of this policy?</p> <p>20 A. I don't know if we covered it in -- in</p> <p>21 our yearly training. I don't know.</p> <p>22 Q. Let me ask you this: At the -- how</p> <p>23 would a new police officer get trained on Gomez 7,</p> <p>24 the 2011 policy? So a police officer who started</p> <p>25 2011 through -- through 2014 would have been trained</p>

16 (Pages 61 to 64)

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1 on this general order; is that accurate?

2 A. Yes.

3 **Q. What would that training have looked**

4 **like?**

5 A. We at that time had a system called

6 PASS, P-A-S-S. It's Policy Acknowledgment System.

7 And that was our electronic records management of --

8 of our written directives, okay?

9 So I get hired September 1st of 2011.

10 No, that's a bad example. October 1st. This is

11 already in play of 2011. In our system when I go

12 and sit and get trained by my field training

13 instructor in the car, it's my responsibility -- I

14 believe at the time we gave new employees 30 days to

15 go through our general orders review and

16 acknowledge.

17 **Q. How would they acknowledge?**

18 A. It's an electronic signature through

19 the PASS system.

20 **Q. So that officer who starts October 1st,**

21 **2011, and any other officer until Gomez 8, the**

22 **updated policy, they would have read this document**

23 **and acknowledged they understood it and clicked the**

24 **button in PASS? Is that accurate?**

25 A. Yes, they would -- they would enter

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1 their -- what they called our DSN, it's our

2 department serial number, everybody has their own,

3 and then a password.

4 **Q. And this document serves as telling**

5 **them how or when a wanted can be entered? Is that**

6 **accurate?**

7 A. Yeah, regarding the REJIS system, yes.

8 **Q. And until -- until July 15th, 2015,**

9 **this policy did not contain the probable cause**

10 **language?**

11 A. Not in that paragraph. I thought that

12 it did elsewhere. I could -- I'm sorry. I think

13 I'm wrong. Yeah, I think --

14 **Q. But even just in that paragraph, didn't**

15 **contain --**

16 A. Correct.

17 **Q. -- the probable cause language that the**

18 **officer would read while learning this policy. Is**

19 **that accurate?**

20 A. Correct.

21 **Q. How would they then know that probable**

22 **cause was needed for a wanted?**

23 MR. HUGHES: My only objection it's

24 been answered a couple times, more than a couple

25 times already, so it's been asked and answered.

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1 I just make objections and then you

2 can -- he can rephrase the question or ask a

3 different question or ask you to answer it anyway.

4 So that's --

5 BY MR. HOLLAND:

6 **Q. Lieutenant Morrow, what I'm saying here**

7 **is I asked you how new officers are trained on these**

8 **documents. And you said that they -- within 30 days**

9 **they have to read them and in the PASS system click**

10 **that they understand them, acknowledge that they've**

11 **read and understand them. Is that accurate?**

12 A. Yes.

13 **Q. And new officers prior to July '15,**

14 **2015, would have been reading a document instructing**

15 **them when and how to enter wanteds that did not**

16 **contain "probable cause" in that paragraph, correct?**

17 A. Correct.

18 **Q. So how -- they otherwise know that**

19 **probable cause is required?**

20 MR. HUGHES: And my --

21 MR. HOLLAND: Mike, your objection is

22 preserved.

23 MR. HUGHES: My objection to the form

24 is asked and answered, repetitive. Okay.

25 THE WITNESS: Their academy training

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1 when they are taught that probable cause is required

2 to make an arrest and further to enter a wanted.

3 BY MR. HOLLAND:

4 **Q. So there's a specific class that tells**

5 **them that probable cause is needed to enter a**

6 **wanted?**

7 A. I believe there is in our -- it's

8 either in constitutional law or statutory law.

9 **Q. And what's your basis for that belief?**

10 A. History, experience.

11 **Q. What experience?**

12 A. Possibly discussions with -- with

13 instructors over the years or since I've been in

14 planning.

15 **Q. Do you remember any specific**

16 **discussions?**

17 A. No.

18 **Q. Specific people you've spoken to?**

19 A. No. I would call the academy

20 instructors from time to time on a variety of

21 subjects.

22 **Q. So you don't have a specific**

23 **recollection of anyone telling officers that -- in a**

24 **training course, that probable cause is required for**

25 **a wanted?**

17 (Pages 65 to 68)

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<p>1 A. Not that discussion, no.</p> <p>2 Q. Are you aware or -- strike that.</p> <p>3 Let's take a look -- you mentioned</p> <p>4 earlier that you are -- strike that.</p> <p>5 I want to show you one thing with</p> <p>6 Gomez -- Gomez 9, which is the 2016 version; is that</p> <p>7 right? Dated September 14, 2016. Do you see that?</p> <p>8 A. I do.</p> <p>9 Q. Audible.</p> <p>10 A. No, I was waiting until you finished.</p> <p>11 Yes, I see it and that's it.</p> <p>12 Q. And this replaced general order 1526?</p> <p>13 A. Yes.</p> <p>14 Q. Is this the current version of this</p> <p>15 policy?</p> <p>16 A. It is.</p> <p>17 Q. Let's look at page 2 again in Section B</p> <p>18 which is about wanted, warrants, stop orders; do you</p> <p>19 see that?</p> <p>20 A. Yes.</p> <p>21 Q. Do you have an understanding of why</p> <p>22 warrants are grouped together with wanteds and stop</p> <p>23 orders?</p> <p>24 A. I don't.</p> <p>25 Q. Is it a fair characterization -- strike</p>	<p>1 command staff, which is, again, it's the four</p> <p>2 colonels, deputy chief, and chief, at some point</p> <p>3 before September of '16 where they determined that</p> <p>4 they wanted in our general order another layer of</p> <p>5 review for -- but prior to entering a wanted. I</p> <p>6 don't know why this came about.</p> <p>7 Q. Do you know who -- one of those six</p> <p>8 people raised this as an issue?</p> <p>9 A. I don't know.</p> <p>10 Q. You just know it came from their --</p> <p>11 A. Yes.</p> <p>12 Q. -- meetings?</p> <p>13 Do you remember who told you about it?</p> <p>14 A. I thought it was the deputy chief.</p> <p>15 Q. You had mentioned that in your opinion,</p> <p>16 the change to the 2015 policy adding the probable</p> <p>17 cause language was not a change in day-to-day police</p> <p>18 practice or did not lead to a day-to-day -- change</p> <p>19 in day-to-day police practice. Did this update here</p> <p>20 lead to a change in day-to-day police practice?</p> <p>21 A. Yes, because it was now an additional</p> <p>22 step, so that would -- it would change in that</p> <p>23 regard.</p> <p>24 Q. So now before entering a wanted, a</p> <p>25 police officer had to review the facts with their</p>
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<p>1 that.</p> <p>2 Do you agree that that suggests that</p> <p>3 they're comparable -- comparable entries since</p> <p>4 they're all grouped together?</p> <p>5 MR. HUGHES: Just object to the form of</p> <p>6 the question. Calls for speculation and conjecture.</p> <p>7 BY MR. HOLLAND:</p> <p>8 Q. Just asking for your opinion.</p> <p>9 A. Because it's in the same section, I</p> <p>10 could see that.</p> <p>11 Q. If we look at the same paragraph as the</p> <p>12 previous orders, Section B1 little A. Some bolded</p> <p>13 language which suggests that it's new; is that</p> <p>14 right?</p> <p>15 A. Correct.</p> <p>16 Q. So it reads: "Once the case officer</p> <p>17 has determined probable cause exists that a person</p> <p>18 has committed a crime, they must have a review of</p> <p>19 the facts supporting the case by their immediate</p> <p>20 supervisor or his or her designee and receive</p> <p>21 approval before requesting wanted person entries."</p> <p>22 Did I read that right?</p> <p>23 A. Yes.</p> <p>24 Q. What can you tell me about that change?</p> <p>25 A. There was a discussion in our executive</p>	<p>1 immediate supervisor?</p> <p>2 A. Yes.</p> <p>3 Q. But you don't know why that was</p> <p>4 implemented?</p> <p>5 A. Correct.</p> <p>6 Q. Do you know who would know why?</p> <p>7 A. A member of the executive command</p> <p>8 staff.</p> <p>9 Q. Do you think Lieutenant Burk would know</p> <p>10 why?</p> <p>11 A. I don't know that. I don't know if he</p> <p>12 would know why.</p> <p>13 Q. What position did he hold in September</p> <p>14 of 2016?</p> <p>15 A. He was the bureau -- commander of</p> <p>16 bureau of records -- current position that</p> <p>17 Lieutenant Gomez has.</p> <p>18 Q. Let's take a look at the DOJ report</p> <p>19 that you mentioned earlier. I think you mentioned</p> <p>20 earlier it's 109 pages, so -- off the top of your</p> <p>21 head, so I assume that you're familiar with the</p> <p>22 report?</p> <p>23 A. Something like that, yeah. Or was it</p> <p>24 109 recommendations? I lost track.</p> <p>25 Q. 102 pages. So you were close. This</p>

18 (Pages 69 to 72)

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<p>1 was previously marked Schlueter 3.</p> <p>2 Have you read this report?</p> <p>3 A. Yes.</p> <p>4 Q. Let's flip to pages -- or strike that.</p> <p>5 When did you read the report?</p> <p>6 A. Probably I would suspect it was over a</p> <p>7 period of time. I'm guessing it was no later than a</p> <p>8 year later that I actually finished it.</p> <p>9 Q. So it's dated March 4th, 2015. Within</p> <p>10 the subsequent year --</p> <p>11 A. Uh-huh.</p> <p>12 Q. -- you read the report?</p> <p>13 A. Yes, yes.</p> <p>14 Q. Was it a requirement for you to read</p> <p>15 the report or did you do it optionally?</p> <p>16 A. I did it on my own. I did it on my</p> <p>17 own.</p> <p>18 Q. Why?</p> <p>19 A. I thought that it was pertinent.</p> <p>20 Having spent enough time up there, I wanted to see</p> <p>21 what they -- what they -- how they -- the Department</p> <p>22 of Justice evaluated what had gone on.</p> <p>23 Q. What do you recall within the St. Louis</p> <p>24 County Police Department being discussed following</p> <p>25 this report?</p>	<p>1 Q. Do you remember what those discussions</p> <p>2 involved?</p> <p>3 A. It -- I recall wondering where we stood</p> <p>4 as a police department with 20 times the amount of</p> <p>5 people that Ferguson had, officers -- sworn</p> <p>6 officers, you know, their 30 or 40 to our 800, 850.</p> <p>7 I'm wondering where we might stand on a review like</p> <p>8 this, especially regarding wanteds.</p> <p>9 Q. What do you mean "might stand"?</p> <p>10 A. How are we performing with our use?</p> <p>11 Does a two-month officer know the same thing as a</p> <p>12 20-year officer.</p> <p>13 Q. That's fair. Let's take a look at some</p> <p>14 language and maybe that will bring back some</p> <p>15 recollection of those conversations you had.</p> <p>16 Let's take a look at page -- let's take</p> <p>17 a look at page 19. Do you see where it says -- bear</p> <p>18 with me. On your page 19, is there a section that</p> <p>19 says in bold: "One, FPD engages in a pattern of</p> <p>20 unconstitutional stops and arrests in violation of</p> <p>21 the Fourth Amendment"?</p> <p>22 MR. HUGHES: I don't see it on mine.</p> <p>23 BY MR. HOLLAND:</p> <p>24 Q. Okay. I just wanted to make sure.</p> <p>25 Let's try page 16. Sorry about that. Do you see</p>
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<p>1 MR. HUGHES: Just object it's -- it's</p> <p>2 way overbroad and it calls for hearsay.</p> <p>3 MR. HOLLAND: I'll withdraw that</p> <p>4 question.</p> <p>5 Q. Do you recall any discussions about</p> <p>6 this report following the DOJ's issuance of it?</p> <p>7 A. Well, I will tell you that after it</p> <p>8 came out, there were probably multiple</p> <p>9 conversations, not necessarily all involving me.</p> <p>10 Q. How about the ones that you were</p> <p>11 involved in? Who did you talk to about this report?</p> <p>12 A. Multiple people gathering opinions. I</p> <p>13 did -- I recall talking to Captain Lawson from our</p> <p>14 Internal Affairs Bureau of Professional</p> <p>15 Responsibility.</p> <p>16 Q. What did you talk to that captain</p> <p>17 about?</p> <p>18 A. Just his input. He's on the same floor</p> <p>19 as I am. Just getting his reaction, opinions,</p> <p>20 things like that.</p> <p>21 Q. Let me focus just a little bit. Maybe</p> <p>22 that will help. Did you talk to anybody about the</p> <p>23 part of the report that relates to wanteds?</p> <p>24 A. Those -- I had discussions. I can't</p> <p>25 say with who, but yes.</p>	<p>1 that there?</p> <p>2 A. Yes.</p> <p>3 Q. In that first paragraph below that</p> <p>4 section heading, second to last sentence it says:</p> <p>5 "FPD," which is Ferguson Police Department, "also</p> <p>6 relies on a system of officer generated arrest</p> <p>7 orders called wanteds that circumvents the warrant</p> <p>8 system and poses a significant risk of abuse." Did</p> <p>9 I read that correctly?</p> <p>10 A. Yes.</p> <p>11 Q. Do you agree with the characterization</p> <p>12 that wanteds circumvent the warrant system?</p> <p>13 MR. HUGHES: Well, just object to form</p> <p>14 of the question because, you know, this is</p> <p>15 pertaining to FPD and there's a lot of factors</p> <p>16 involved in that I'm sure, so ...</p> <p>17 MR. HOLLAND: I did not ask him</p> <p>18 anything specific to FPD. I asked him if he agrees</p> <p>19 with the characterization that wanteds circumvent</p> <p>20 the warrant system.</p> <p>21 You can answer.</p> <p>22 MR. HUGHES: Just object to the form of</p> <p>23 the question. It calls for speculation and -- on</p> <p>24 his part.</p> <p>25 BY MR. HOLLAND:</p>

19 (Pages 73 to 76)

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<p style="text-align: right;">Page 77</p> <p>1 Q. You can answer.</p> <p>2 A. Try it again. I'm sorry, sir.</p> <p>3 Q. Sure. I'll reask the question.</p> <p>4 Mike, your objection is preserved.</p> <p>5 Do you agree with the characterization</p> <p>6 that wants circumvent the warrant system?</p> <p>7 A. Well, I would say no.</p> <p>8 Q. Why?</p> <p>9 A. Since the time I started in '94, this</p> <p>10 has -- this has been the practice and I've been</p> <p>11 taught that -- I was taught that I had the ability</p> <p>12 to determine probable cause. Why I didn't have to</p> <p>13 bring it in front of a judge or a magistrate prior</p> <p>14 to that, that wasn't explained to me. So I had --</p> <p>15 because for 22 years I've been allowed to do this,</p> <p>16 it -- I don't believe that it's circumvented.</p> <p>17 Q. So because you've been told this is the</p> <p>18 way you should do it, therefore, you think it's the</p> <p>19 right way to do it?</p> <p>20 MR. HUGHES: Object to the form of the</p> <p>21 question. It misstates his testimony.</p> <p>22 BY MR. HOLLAND:</p> <p>23 Q. You can answer.</p> <p>24 A. I've been told -- and this is an</p> <p>25 accepted practice all the way through our</p>	<p style="text-align: right;">Page 79</p> <p>1 MR. HUGHES: -- opinions. You're</p> <p>2 asking him opinions. You're not, you know, he's</p> <p>3 being produced to give factual statements, not</p> <p>4 opinions, so it's beyond the notice.</p> <p>5 BY MR. HOLLAND:</p> <p>6 Q. What is St. Louis County's position on</p> <p>7 why the -- what is the St. Louis County Police</p> <p>8 Department's position on why the warrant requirement</p> <p>9 needs the sign-off of a judge or judicial officer?</p> <p>10 MR. HUGHES: Same -- same objections as</p> <p>11 before. Calling for speculation, conjecture, and</p> <p>12 opinion.</p> <p>13 THE WITNESS: I don't know the answer</p> <p>14 to that. I'm not certain.</p> <p>15 BY MR. HOLLAND:</p> <p>16 Q. And that's St. Louis County's official</p> <p>17 answer?</p> <p>18 A. Yes.</p> <p>19 Q. So the paragraph we looked at, the</p> <p>20 sentence that I read from page 16 of the report,</p> <p>21 also says that wants pose a significant risk of</p> <p>22 abuse. Do you recall discussing that with anyone</p> <p>23 after this report?</p> <p>24 MR. HUGHES: Well, objection to the</p> <p>25 form of the question. It -- again, this is focused</p>
<p style="text-align: right;">Page 78</p> <p>1 Prosecuting Attorney's Office. If we couldn't do</p> <p>2 it, they certainly wouldn't let us. Is that fair</p> <p>3 enough?</p> <p>4 Q. That's fair.</p> <p>5 Why -- why do you think there is the</p> <p>6 requirement that a judge sign off on an arrest</p> <p>7 warrant?</p> <p>8 MR. HUGHES: Objection. Calls for</p> <p>9 speculation and conjecture.</p> <p>10 BY MR. HOLLAND:</p> <p>11 Q. You can answer.</p> <p>12 A. Why the -- why is there a requirement</p> <p>13 that a judge has to sign off --</p> <p>14 MR. HUGHES: And -- and he's -- he's</p> <p>15 being produced --</p> <p>16 MR. HOLLAND: Mike, he's testifying</p> <p>17 today.</p> <p>18 MR. HUGHES: He's being produced to</p> <p>19 talk about facts not opinions.</p> <p>20 MR. HOLLAND: He's being produced as a</p> <p>21 30(b)(6) witness on behalf of the County.</p> <p>22 MR. HUGHES: Yes. Well, you're</p> <p>23 asking --</p> <p>24 MR. HOLLAND: The County has its</p> <p>25 policies and practices.</p>	<p style="text-align: right;">Page 80</p> <p>1 on Ferguson Police Department, some abuses that --</p> <p>2 MR. HOLLAND: Mike, he testified that</p> <p>3 he read this report and discussed it with some of</p> <p>4 his colleagues. I'm asking him whether he discussed</p> <p>5 that -- that -- that part of this paragraph with</p> <p>6 anyone. I'm not asking him to talk about Ferguson.</p> <p>7 I'm asking him whether he discussed that sentence,</p> <p>8 that comment by the DOJ with anyone.</p> <p>9 Q. I'll reask the question. You mentioned</p> <p>10 earlier that you discussed this report with some of</p> <p>11 your colleagues following its issuance. The report</p> <p>12 reads: "Wants pose a significant risk of abuse."</p> <p>13 Did you -- do you recall discussing that part of the</p> <p>14 report with anyone?</p> <p>15 A. I don't recall.</p> <p>16 Q. Does St. Louis County have a position</p> <p>17 on whether wants pose a significant risk of abuse?</p> <p>18 MR. HUGHES: Again, he's here --</p> <p>19 MR. HOLLAND: Mike, he's testifying --</p> <p>20 MR. HUGHES: He's here to answer facts.</p> <p>21 He's not here to provide opinions.</p> <p>22 MR. HOLLAND: I'm not asking for his</p> <p>23 opinion.</p> <p>24 MR. HUGHES: Sure it is. Sure you are.</p> <p>25 BY MR. HOLLAND:</p>

20 (Pages 77 to 80)

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<p>1 Q. You mentioned that St. Louis County 2 has, I think you said, 800 or so officers? 3 A. Yes. 4 Q. And Ferguson Police Department has 5 around 40 you said? 6 A. Yeah, roughly. 7 Q. Wouldn't that mean that St. Louis 8 County -- in St. Louis County, given the number of 9 officers, there's a greater risk of abuse in terms 10 of wanteds than Ferguson Police County -- Police 11 Department? 12 MR. HUGHES: Objection. Calls for 13 speculation and conjecture. I guess you can ask 14 him if he's aware that there's ever been any -- 15 MR. HOLLAND: Mike, are you going to 16 let him testify? 17 MR. HUGHES: Rather than are any 18 greater -- again, you're asking him for his 19 conjecture, his opinions -- 20 MR. HOLLAND: Mike, let him testify. 21 MR. HUGHES: You're not asking for 22 facts. Ask him if he's aware of even one instance 23 of abuse. 24 BY MR. HOLLAND: 25 Q. You can answer the question.</p>	<p>1 Lieutenant Burk a year or so ago just in passing. I 2 really -- I don't know a whole lot about LEPAC. I 3 just know that it was something that he was familiar 4 with regarding his position and records. 5 Q. Do you think you're prepared to testify 6 about LEPAC today? 7 A. I can certainly give it an effort here, 8 but I don't know that I can offer you much. 9 Q. Have you ever personally attended a 10 meeting? 11 A. No, no. 12 Q. Have you ever reviewed any of the 13 minutes -- 14 A. No. 15 Q. -- of the meeting? 16 A. No, no. 17 Q. Have you ever talked to anyone about 18 specific discussions at any LEPAC meetings? 19 A. No, not ... 20 Q. Do you know who sits on LEPAC? 21 A. I don't. 22 Q. Let's take a look back at Exhibit 1. 23 If you'll turn to page -- the last page, so that's 24 the -- so topic three that you were -- that we 25 noticed in your deposition reads: "Whether and how</p>
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<p>1 A. Okay. I see what you're -- okay. The 2 last question was whether you thought -- or you 3 asked me what my opinion was regarding abuse based 4 on what was that -- do it again. 5 Q. I'll just reask the question. 6 A. Thank you. 7 Q. You mentioned earlier that the 8 St. Louis County Police Department is much larger 9 than the Ferguson Police Department. Did that -- 10 did St. Louis County -- do you recall any 11 discussions among your colleagues at St. Louis 12 County about how that could mean that there are -- 13 there's greater risk of abuse within your 14 department? 15 A. No. 16 Q. Were you aware of any specific risks -- 17 any abuses of the wanted system? 18 A. No. 19 Q. Have you ever heard of LEPAC? 20 A. Yes. 21 Q. The Law Enforcement Police Advisory 22 Committee; is that right? 23 A. I believe that that's what it is. 24 Q. How are you familiar with it? 25 A. Probably previous discussions with</p>	<p>1 the Defendant County of St. Louis changes its 2 policies, procedures, practices, standards, 3 guidelines, training, or instruction related to..." 4 And then option B is: "Arrests and detentions made 5 pursuant to wanteds or Stop Orders following United 6 States Justice Department's March 4th report on the 7 Ferguson Police Department and/or consent decree of 8 the United States Justice Department and the City of 9 Ferguson entered into March 17th of 2016, including, 10 but not limited to, the involvement of LEPAC." 11 So you're just not prepared to testify 12 today about the involvement LEPAC in any of the 13 changes -- 14 MR. HUGHES: Well, if you want to ask 15 him if LEPAC made recommendations to planning to 16 make changes in their policies. 17 MR. HOLLAND: I was hoping to ask him a 18 lot about LEPAC and show him documents, but he just 19 told me -- 20 MR. HUGHES: But he's here. You know, 21 he's St. Louis County representative, and if LEPAC 22 makes recommendations to St. Louis County, he can 23 answer that, you know, to planning. But -- but, you 24 know, I mean, you know, LEPAC is not even a County 25 agency, so -- but if -- you know, he's here to</p>

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<p>1 answer questions --</p> <p>2 MR. HOLLAND: Mike --</p> <p>3 MR. HUGHES: -- regarding whether LEPAC</p> <p>4 make recommendations to -- to St. Louis County to</p> <p>5 planning. You know, so the answer is yes or the</p> <p>6 answer is no.</p> <p>7 BY MR. HOLLAND:</p> <p>8 Q. Do you have any knowledge of</p> <p>9 recommendations St. Louis County has made to LEPAC?</p> <p>10 MR. HUGHES: St. Louis County has made</p> <p>11 to LEPAC?</p> <p>12 THE WITNESS: A member of my department</p> <p>13 that sits on LEPAC?</p> <p>14 BY MR. HOLLAND:</p> <p>15 Q. So --</p> <p>16 A. More specifically or --</p> <p>17 Q. Are you -- strike that.</p> <p>18 What purpose does LEPAC serve, if you</p> <p>19 know?</p> <p>20 A. Well, I don't know.</p> <p>21 Q. And why did you talk to Lieutenant Burk</p> <p>22 about LEPAC?</p> <p>23 A. He may have -- what I said before, he</p> <p>24 may -- there are times when we'd have conversations</p> <p>25 when he was in the record room about -- he might</p>	<p>1 MR. HOLLAND: I agree, Mike, that you</p> <p>2 showed -- you prepared --</p> <p>3 MR. HUGHES: And the documents also</p> <p>4 show that multiple jurisdictions are on the LEPAC</p> <p>5 committee and, you know, I gave them to you and they</p> <p>6 make recommendations to REJIS.</p> <p>7 MR. HOLLAND: Mike, if documents were</p> <p>8 sufficient, why would we ever have depositions?</p> <p>9 MR. HUGHES: So -- so you had the</p> <p>10 opportunity to talk to REJIS people to ask what</p> <p>11 recommendations LEPAC made to them.</p> <p>12 MR. HOLLAND: Does that mean that we</p> <p>13 don't also have the opportunity to ask St. Louis</p> <p>14 County what their views and participation on</p> <p>15 LEPAC --</p> <p>16 (Simultaneous speech.)</p> <p>17 THE REPORTER: One at a time, please.</p> <p>18 MR. HUGHES: You can ask him has LEPAC</p> <p>19 made recommendations to St. Louis County.</p> <p>20 MR. HOLLAND: I'm not going to ask him</p> <p>21 questions about something he has no idea what it is.</p> <p>22 I need a basis and some context before I can ask him</p> <p>23 what their decisions and why they made decisions.</p> <p>24 It's -- it's a waste of his time to sit here and ask</p> <p>25 him questions he has no idea what -- what anything</p>
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<p>1 have brought up something about REJIS or things that</p> <p>2 I don't have any training or knowledge about, and we</p> <p>3 would just -- I would -- he explain it and I would</p> <p>4 move on.</p> <p>5 Q. Was he on LEPAC? A member of LEPAC?</p> <p>6 A. I don't know. I don't know who the</p> <p>7 members were.</p> <p>8 Q. If I wanted to find out about</p> <p>9 recommendations that LEPAC made to St. Louis County</p> <p>10 or something like that, would you be the right</p> <p>11 person to talk to?</p> <p>12 A. No.</p> <p>13 MR. HUGHES: Well --</p> <p>14 MR. HOLLAND: Mike, he answered the</p> <p>15 question. He's obviously not familiar with LEPAC.</p> <p>16 He can't answer my questions today.</p> <p>17 Q. Does anybody at St. Louis County within</p> <p>18 the police department know about LEPAC?</p> <p>19 A. I would suspect that Jeff Burk</p> <p>20 obviously had the most knowledge about it.</p> <p>21 Q. Who --</p> <p>22 Mike --</p> <p>23 MR. HUGHES: Well, I can say this. I</p> <p>24 did supply you with documents from LEPAC that show</p> <p>25 that they make recommendations to REJIS.</p>	<p>1 has do with.</p> <p>2 MR. HUGHES: Well, if LEPAC made</p> <p>3 recommendations to planning, he would know. But --</p> <p>4 MR. HOLLAND: You're inside his brain?</p> <p>5 Let's just move on. He's not the right witness.</p> <p>6 MR. HUGHES: All right.</p> <p>7 MR. HOLLAND: So we've now failed twice</p> <p>8 in trying to get somebody who knows about LEPAC.</p> <p>9 We'll try again.</p> <p>10 Q. I apologize, Lieutenant Morrow.</p> <p>11 Are you familiar with the consent</p> <p>12 decree that the DOJ entered into with Ferguson, the</p> <p>13 City of Ferguson, after its report?</p> <p>14 A. I know that they did enter into a</p> <p>15 consent decree, yeah. I'm not familiar with the</p> <p>16 decree though.</p> <p>17 Q. Did you read it?</p> <p>18 A. No, no.</p> <p>19 Q. Are you aware of whether St. Louis</p> <p>20 County changed -- made any changes as a result of</p> <p>21 the consent decree?</p> <p>22 A. No, sir, I'm not aware.</p> <p>23 Q. Do you know if the update to the 2016</p> <p>24 general order that we looked at, Gomez 9, the</p> <p>25 addition of the supervisory review, do you know if</p>

22 (Pages 85 to 88)

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1 that was a result of anything in the DOJ report or
2 the consent decree?
3 A. I do not.
4 Q. What familiarity, aside from your own
5 training in 1994, do you have with the St. Louis
6 County Police Department's training of its officers?
7 A. What type of training are you talking
8 about?
9 Q. Let's focus on training on wanteds and
10 probable cause. What familiarity do you have with
11 the training that's been conducted in the last five
12 years on those two topics?
13 A. Well, I would have to see a -- I am not
14 familiar with what the Police Academy with their
15 training regarding stops and -- stop orders or
16 wanteds, and I don't know what else I could offer on
17 that end for you.
18 Q. Who runs the county and municipal
19 Police Academy?
20 A. It's Lieutenant Steve Hampton from my
21 police department.
22 Q. Is his sole job to run the Police
23 Academy?
24 A. Yes.
25 Q. How long has he held that position for?

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1 A. I'm going to say about a year.
2 Q. Who preceded him in that position?
3 A. Lieutenant Matt O'Neill.
4 Q. And their job would be to come up with
5 the schedule and curriculum for the training as
6 police officers?
7 A. Well, I think that there's a commission
8 or a board that oversees the academy and I believe
9 that they're part of that -- that decision-making
10 process. I'm almost positive. But it's our command
11 staff, St. Louis County Police's command staff, that
12 is in charge of the curriculum for our employees at
13 the academy.
14 Q. So there's a commission who -- why
15 don't you tell me what does the commission do?
16 A. I think it's just a board of sorts.
17 Q. What does the board do?
18 A. I don't know specifically, but I
19 believe that they have -- as far as overseeing and I
20 hate to -- I don't want to say the wrong thing
21 because I don't know what they do specifically, but
22 I would suspect that they have some input on the
23 curriculum on the law enforcement side of the
24 academy because we split it, of course, with the
25 firefighters, so --

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1 Q. Do you know who sits on the board?
2 A. No.
3 Q. And then you said each command staff
4 has some input as to the training. Do you mean kind
5 of that would be specific to their department?
6 A. Yes, our command staff -- yeah, and I
7 don't suspect that that really helps you on that end
8 because we get people more than their employees that
9 attend the Police Academy. Various police
10 departments send people through. But our command
11 staff is responsible for the curriculum on that end.
12 Q. And when you say "our command staff" --
13 A. St. Louis County.
14 Q. And within St. Louis County's police
15 departments does each subdepartment provide input on
16 what officers should be trained in? So does the
17 planning group say, you know, they should have
18 training on this? Does the robbery and homicide
19 group say it's -- you know, they need training on
20 this?
21 A. No.
22 Q. What kind of input does the command
23 center provide specifically?
24 A. Well, I believe that the -- that
25 Lieutenant Hampton and I don't know that -- he's not

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1 done it since I've been present at a command staff,
2 but these are the type of issues that would be
3 discussed during command staff when needed.
4 I think the curriculum itself, I think
5 for the most part -- and, again, I -- okay, I've not
6 been assigned there, but it carries over from year
7 to year what the instructor is doing, the research
8 and verifying that it's still applicable, things of
9 that nature. And everything does essentially go
10 through Lieutenant Hampton.
11 And I don't know -- I don't know for
12 a -- I don't know what the mode or the work flow is
13 for Lieutenant Hampton to the command staff and what
14 things he needs to come there for to request a
15 discussion.
16 Q. So you're now talking about command
17 staff has a -- is it a committee?
18 A. Command staff is our -- it meets
19 weekly. And we discuss crime stats, policy, and
20 other issues that might come up. And it's captains
21 on up. Captains, colonels, deputy chief, chief, and
22 occasionally some lieutenants are present.
23 Q. So occasionally you'll attend one of
24 these meetings?
25 A. If I have to present policy, I'm there.

23 (Pages 89 to 92)

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<p style="text-align: right;">Page 93</p> <p>1 Q. What does -- what does the training 2 look like? Where does it happen? Who's -- are 3 materials given out? 4 A. Yes. The -- we have police academy 5 basic classroom setups. 6 Q. Where? 7 A. I'm sorry. 8 Q. Where? 9 A. It's in the city of Wellston which is 10 right on the St. Louis City limits in the center of 11 the county, St. Louis County. 12 Q. And which police departments attend at 13 the same time? 14 A. Whoever it is that wants to put a 15 recruit through. We have -- 16 Q. Within the county? 17 A. We have -- it can be from out of 18 county, out of -- anywhere in the state of Missouri 19 ultimately. Although I don't know that there are 20 many people beyond a couple counties away. 21 Q. And are -- are wanteds covered during a 22 day of this training? 23 A. I believe so. 24 Q. How much -- how much time is spent on 25 wanteds?</p>	<p style="text-align: right;">Page 95</p> <p>1 Q. The first one or, excuse me, Gomez 14 2 is from January 2011 and it says class 175; do you 3 see that? 4 A. Yes. 5 Q. And then Gomez 15 is from more recent, 6 October 2016, class 190; do you see that? 7 A. Yes. Can I ask you, I have two 15s. 8 Is there a reason for that -- 9 Q. You should have one 14. 10 A. I have a 14 -- I have 14 -- I'm sorry, 11 14 and 15 and I got -- okay. Very good. 12 Q. I'll take the additional one back. 13 Thank you. 14 Other than that duplication, did I 15 describe these documents correctly? 16 A. Yes. 17 Q. So looking through these we -- I didn't 18 see anything that says wanteds. So which course -- 19 and understanding that you haven't seen these 20 documents before, would you be able to tell me which 21 course wanteds would have been covered in? 22 A. Well, I would say it's -- it would 23 either be Missouri State law or constitutional law, 24 and it looks like Officer Emerson is the instructor. 25 Q. Are you looking at Gomez 15 right</p>
<p style="text-align: right;">Page 94</p> <p>1 A. I don't know. 2 Q. Is it one course? One part of a 3 course? 4 A. That would be an instructor question as 5 to how much time they dedicate to it. 6 Q. Do you specifically know what that 7 portion of the course looks like or do you -- 8 A. I do not. 9 Q. Do you remember that part of the course 10 from your Police Academy? 11 A. No, sir. 12 Q. I'm going to show you what has 13 previously been marked Gomez 14 and 15. 14 (Previously marked Exhibits 14 15 and 15 were shown to the 16 witness.) 17 BY MR. HOLLAND: 18 Q. Do you recognize these documents? 19 A. No. 20 Q. These documents were produced by 21 defendants in this action. I believe they are 22 Police Academy calendars. Does that sound right to 23 you? 24 A. Well, based on what's contained in 25 them, yes.</p>	<p style="text-align: right;">Page 96</p> <p>1 now -- 2 A. I'm at 15 and I flipped it over to the 3 second -- the page number 2 and I'm looking at the 4 top. Missouri State law, constitutional law, 5 Emerson. 6 Q. Do you know who Emerson? 7 A. I do. 8 Q. Who is Officer Emerson? 9 A. He's a Maryland -- Maryland Heights 10 Police Department officer assigned to our academy. 11 Q. What would qualify Officer Emerson to 12 teach constitutional law? 13 A. I'm not sure what they use at the 14 academy to make their instructor choices. 15 Q. So St. Louis County's official answer 16 is you don't know what qualifies Officer Emerson to 17 teach the officers constitutional law? 18 A. Correct. 19 Q. Does Officer Emerson have a first name? 20 A. I believe it's Keith. 21 Q. Keith? 22 A. Yes. 23 Q. Does Officer Emerson have any 24 qualifications to teach Missouri statutory law? 25 A. Again, I'm not sure what they use to</p>

24 (Pages 93 to 96)

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<p>1 make the choice when they brought him in.</p> <p>2 Q. And that's St. Louis County's --</p> <p>3 A. St. Louis County Academy, yes. Yes,</p> <p>4 sir.</p> <p>5 Q. Looking back in the 2011 version, which</p> <p>6 is Gomez 14, I don't see a class on Missouri</p> <p>7 statutory law. Do you? I guess the better question</p> <p>8 is do you know if Missouri statutory law was added</p> <p>9 as a course more recently than 2011?</p> <p>10 A. No, it's been -- it was there when I</p> <p>11 was there.</p> <p>12 Q. Okay. So actually, excuse me. I do</p> <p>13 see it. If you turn to page 6, it's -- it's just</p> <p>14 called statutory law.</p> <p>15 A. Probably yes. Yeah. That's what I</p> <p>16 would say.</p> <p>17 Q. Do you know who -- sorry. Talking over</p> <p>18 him again.</p> <p>19 Do you know who Crowley is?</p> <p>20 A. I don't.</p> <p>21 Q. And in then turning back to the first</p> <p>22 page of that document, it looks like constitutional</p> <p>23 law was taught by Grames, G-r-a-m-e-s; do you see</p> <p>24 that?</p> <p>25 A. Yes, I do.</p>	<p>1 A. Yes, we have continuing education.</p> <p>2 Q. What does that involve?</p> <p>3 A. Well, the -- in Missouri we have the</p> <p>4 POST -- actually it might be a national thing, but</p> <p>5 I'm not -- I'm not certain, but it's Police Officer</p> <p>6 Standards and Trainings, POST. And there's a</p> <p>7 certain minimum requirement of continuing education</p> <p>8 once you get out of the Police Academy. Used to be</p> <p>9 48 hours in three years. It's since gone up. And I</p> <p>10 don't know what the numbers are currently. There</p> <p>11 are more hours required is what I mean by that.</p> <p>12 Q. Annual hours required?</p> <p>13 A. Correct.</p> <p>14 Q. And you take that each year?</p> <p>15 A. Correct.</p> <p>16 Q. Have you taken any continuing education</p> <p>17 training on wanteds?</p> <p>18 A. I don't believe so.</p> <p>19 Q. Do you know if any continuing training</p> <p>20 on wanteds is offered by the St. Louis County Police</p> <p>21 Department?</p> <p>22 A. I don't know.</p> <p>23 Q. Is there any training on what a</p> <p>24 temporary wanted is?</p> <p>25 A. I'm not certain.</p>
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<p>1 Q. Do you know who Grames is?</p> <p>2 A. Yes, he's a retired -- they called him</p> <p>3 an instructional technologist. Ron Grames was his</p> <p>4 name.</p> <p>5 Q. What is an institutional technologist?</p> <p>6 A. I don't know the definition. That was</p> <p>7 his title.</p> <p>8 Q. Do you know what his background was?</p> <p>9 A. I don't.</p> <p>10 Q. Do you know if he had any</p> <p>11 qualifications to teach constitutional law?</p> <p>12 A. I don't.</p> <p>13 Q. And that's St. Louis County's official</p> <p>14 answer?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know whether aside from a</p> <p>17 calendar like this the Police Academy keeps any</p> <p>18 schedule of courses?</p> <p>19 A. They keep on our -- I believe it's our</p> <p>20 intranet, the County police intranet, they keep a</p> <p>21 schedule of upcoming courses. So if you chose to</p> <p>22 take an elective -- an elective course, you could</p> <p>23 sign up.</p> <p>24 Q. Is there any continuing training</p> <p>25 following the academy?</p>	<p>1 Q. Do you know what a temporary wanted is?</p> <p>2 A. I'm not certain what that is.</p> <p>3 Q. Do you know if attendance is taken at</p> <p>4 academy training?</p> <p>5 A. Yes, it is.</p> <p>6 Q. And is that something that's kept?</p> <p>7 A. Yes, it is.</p> <p>8 Q. Is it attendance taken at continuing</p> <p>9 education training?</p> <p>10 A. Yes, it is.</p> <p>11 Q. And the attendance lists are also kept</p> <p>12 for that?</p> <p>13 A. Yes.</p> <p>14 Q. Are any of the -- are these trainings</p> <p>15 recorded by video?</p> <p>16 A. I don't think so.</p> <p>17 Q. Audio?</p> <p>18 A. I don't think so.</p> <p>19 Q. As a supervisor did you, other than the</p> <p>20 normal training you received as a police officer,</p> <p>21 did you receive any training to be a supervisor?</p> <p>22 A. After promotion when I was promoted in</p> <p>23 2007 to sergeant, there was a mandatory 40-hour</p> <p>24 basic front line supervision class that I took.</p> <p>25 Q. Did any of that involve training on how</p>

25 (Pages 97 to 100)

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<p style="text-align: right;">Page 101</p> <p>1 to -- how to review a wanted entry to determine that</p> <p>2 it had -- is sufficient -- strike that.</p> <p>3 Did any of your 40-hour training course</p> <p>4 to become a supervisor involve any training on how</p> <p>5 to review a wanted entry to determine whether it had</p> <p>6 sufficient probable cause?</p> <p>7 A. I don't recall.</p> <p>8 Q. Were you ever a field trainer?</p> <p>9 A. No, sir.</p> <p>10 Q. Do you know if field trainers -- field</p> <p>11 training instructors receive any specialized</p> <p>12 training?</p> <p>13 A. I don't. I don't believe that they do.</p> <p>14 I take that back. I think there is a class at the</p> <p>15 academy specifically for field training instructors</p> <p>16 and I don't know how many hours. I think --</p> <p>17 Q. Sorry. Go ahead.</p> <p>18 A. Yeah, I believe that there is, yeah.</p> <p>19 Q. Do you know what that course involves?</p> <p>20 A. I do not. Can you -- can I have five</p> <p>21 minutes?</p> <p>22 Q. Of course. Let's take a break.</p> <p>23 A. It's time.</p> <p>24 Q. Let's take a break.</p> <p>25 A. Please. Thank you.</p>	<p style="text-align: right;">Page 103</p> <p>1 Q. At the bottom again we see Colonel</p> <p>2 Timothy Fitch and we see a TF and then an EM.</p> <p>3 Earlier you said GV was Vaughn if I remember</p> <p>4 correctly.</p> <p>5 A. Uh-huh.</p> <p>6 Q. Who is EM?</p> <p>7 A. EM is officer Ed Menzenwerth.</p> <p>8 Q. Is that -- does this suggest to you</p> <p>9 that Ed Menzenwerth was involved in drafting this</p> <p>10 document?</p> <p>11 A. Correct. He was assigned to planning</p> <p>12 at that time and worked on -- this was obviously one</p> <p>13 of his assignments.</p> <p>14 Q. So if you could turn to page 1 of 18.</p> <p>15 It says there's a Section B called field training</p> <p>16 instructor. Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. And you would agree that the bolded</p> <p>19 language in this document is -- represents the</p> <p>20 updates or the new information added to this</p> <p>21 document --</p> <p>22 A. Yes, sir.</p> <p>23 Q. -- from a prior version?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Do you know the date of this document?</p>
<p style="text-align: right;">Page 102</p> <p>1 THE VIDEOGRAPHER: The time is 3:47.</p> <p>2 We're off the record.</p> <p>3 (Recess taken.)</p> <p>4 THE VIDEOGRAPHER: The time is 3:54.</p> <p>5 We are back on the record.</p> <p>6 BY MR. HOLLAND:</p> <p>7 Q. Lieutenant Morrow, before we took a</p> <p>8 break, we were talking about field trainers. I'm</p> <p>9 going to hand you what I've marked Morrow Exhibit 4.</p> <p>10 This was produced by defendants this morning.</p> <p>11 (Exhibit 4 was marked for</p> <p>12 identification.)</p> <p>13 BY MR. HOLLAND:</p> <p>14 Q. Again if --</p> <p>15 MR. HUGHES: I'm sorry, what number?</p> <p>16 MR. HOLLAND: Four.</p> <p>17 Q. Do you recognize this document?</p> <p>18 A. Yes, I do, yeah.</p> <p>19 Q. How do you recognize it? Or how are</p> <p>20 you familiar about it?</p> <p>21 A. It's just one of our manuals.</p> <p>22 Q. Who is -- if you turn to page Roman</p> <p>23 numeral -- little Roman numeral ii, which is -- do</p> <p>24 you see the goals and objectives at the top?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 104</p> <p>1 I'm just asking. September 25th, 2013.</p> <p>2 A. Okay.</p> <p>3 Q. So turning back to 1 of 18, in that</p> <p>4 field training instructor section, in the first</p> <p>5 section called selection, do you agree that that --</p> <p>6 that refers to the selection of field training</p> <p>7 instructors?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know what qualifications an</p> <p>10 officer has to have to be selected as a field</p> <p>11 training instructor?</p> <p>12 A. Well, yes. As it states here in</p> <p>13 subsections 1, 2, and 3, it outlines it.</p> <p>14 Q. Subsection 3 was -- was added: "Must</p> <p>15 attend a department approved basic field training</p> <p>16 instructor seminar before training a probationary</p> <p>17 officer." Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. So prior to this version of the manual</p> <p>20 which is September 2013, was there -- strike that.</p> <p>21 Prior to the version of this manual</p> <p>22 here, September 2013, was there a basic field</p> <p>23 training instructor seminar?</p> <p>24 A. I would say yes.</p> <p>25 Q. Was it just not a requirement to be a</p>

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<p>1 field training instructor then?</p> <p>2 A. Without -- without looking at the prior</p> <p>3 version, it may have been in there already. Do you</p> <p>4 by chance have the --</p> <p>5 Q. We found one from I believe it's -- let</p> <p>6 me -- let me not guess. I'll just produce it to you</p> <p>7 so we can look at it together.</p> <p>8 A. Okay.</p> <p>9 MR. HOLLAND: Morrow Exhibit 5.</p> <p>10 (Exhibit 5 was marked for</p> <p>11 identification.)</p> <p>12 BY MR. HOLLAND:</p> <p>13 Q. And based on the date, it says December</p> <p>14 of 2007, so about six years earlier. Do you have</p> <p>15 any -- do you have any way to tell whether there was</p> <p>16 a version in between this one and the September 2013</p> <p>17 version?</p> <p>18 A. Not without looking in the historical</p> <p>19 file.</p> <p>20 Q. Okay. Yeah, but the only version that</p> <p>21 was produced to us by defendants is the 2013</p> <p>22 version. We found this 2007 version on the website</p> <p>23 of the police department. But if you look in that</p> <p>24 same area, which is page 1 of 8 in this 2007</p> <p>25 version, you'll again see field training instructor</p>	<p>1 A. That's what it looks like to me.</p> <p>2 Q. And your -- your basis for this</p> <p>3 testimony is just on review of the documents? You</p> <p>4 don't have an independent recollection of these</p> <p>5 decisions being made; is that right?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. You can put those aside.</p> <p>8 We were talking about LEPAC a little</p> <p>9 bit earlier, and fully understanding that you said</p> <p>10 you don't have, you know, much knowledge when it</p> <p>11 comes to LEPAC, I'm just going to show you some</p> <p>12 documents just to help you jog your recollection.</p> <p>13 A. Okay. Okay.</p> <p>14 MR. HOLLAND: I'm going to mark these</p> <p>15 Morrow Exhibit 6 and 7.</p> <p>16 (Exhibit 6 was marked for</p> <p>17 identification.)</p> <p>18 BY MR. HOLLAND:</p> <p>19 Q. Here's 6. While my colleague is</p> <p>20 looking for the next document, I'll ask you about</p> <p>21 this one. Are you at all familiar with this</p> <p>22 August 6th, 2015, LEPAC agenda item?</p> <p>23 A. No.</p> <p>24 Q. So it says in the background part, it</p> <p>25 refers to: Lieutenant Jeff Burk recommending that</p>
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<p>1 and a selection section. And do you agree that the</p> <p>2 reference to the basic field instructor training</p> <p>3 seminar is not in this version?</p> <p>4 A. I agree.</p> <p>5 Q. Do you know -- do you recall anything</p> <p>6 about that seminar being added at the police</p> <p>7 department?</p> <p>8 A. I don't.</p> <p>9 Q. Do you know why it was added?</p> <p>10 A. Well, if -- we're looking at the '07</p> <p>11 version now. I mean, under the training and</p> <p>12 certification section, it refers to an F -- an FTI</p> <p>13 seminar. I'm going to assume that that's what that</p> <p>14 is, that that's the training for the -- for the</p> <p>15 field training instructors. So --</p> <p>16 Q. Are you --</p> <p>17 A. -- they changed -- I'm sorry.</p> <p>18 Q. No, no. Go ahead. You weren't done.</p> <p>19 A. It looks like in the '13 version -- the</p> <p>20 2013 version that the FTI seminar became basic field</p> <p>21 training instructor seminar and then further moved</p> <p>22 up into the selection process section.</p> <p>23 Q. So in 2007 it was a part of the</p> <p>24 training, but in 2013 it became a criterion for</p> <p>25 being selected as a field training instructor?</p>	<p>1 REJIS add comments to the REJIS "Wanted" training</p> <p>2 manual that would state that the initiating</p> <p>3 officer/agency must have probable cause that the</p> <p>4 person committed the crime prior to entering a REJIS</p> <p>5 Wanted entry." Did I read that correctly?</p> <p>6 A. Yes.</p> <p>7 Q. Do you recall any discussions around</p> <p>8 Jeff Burk or Lieutenant Burk making that</p> <p>9 recommendation?</p> <p>10 A. I don't recall.</p> <p>11 Q. Do you know what training manual the</p> <p>12 REJIS wanteds training manual, are you familiar with</p> <p>13 that?</p> <p>14 A. I've seen it.</p> <p>15 Q. And then in the next paragraph it says:</p> <p>16 "The training manual does not include such language</p> <p>17 as a prerequisite to the 'Wanted' entry. Lieutenant</p> <p>18 Burk believes that such language would offer a</p> <p>19 higher level of assurance to officers that take</p> <p>20 action on the 'wanted' that a lawful arrest is</p> <p>21 appropriate." Did I read that correctly?</p> <p>22 A. Yes.</p> <p>23 Q. Do you recall any discussions about</p> <p>24 Lieutenant Burk believing -- adding such language to</p> <p>25 the wanted entry would offer a higher level of</p>

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<p style="text-align: right;">Page 109</p> <p>1 assurance to officers that action taken on a wanted</p> <p>2 that a -- that a lawful arrest was appropriate?</p> <p>3 A. I don't recall.</p> <p>4 Q. Let's take a look at another document.</p> <p>5 This is previously marked Gomez 16 and 17.</p> <p>6 (Previously marked Exhibits 16</p> <p>7 and 17 were shown to the</p> <p>8 witness.)</p> <p>9 BY MR. HOLLAND:</p> <p>10 Q. Do you recognize Gomez 16?</p> <p>11 A. Yes, I've seen it before.</p> <p>12 Q. How have you seen it.</p> <p>13 A. It's possible that I -- I want to say I</p> <p>14 was exposed to this.</p> <p>15 Q. In what capacity?</p> <p>16 A. It might have been during an audit.</p> <p>17 And I apologize, but it might have been during an</p> <p>18 audit that I sat in on, but that might have been the</p> <p>19 wrong audit -- that might have been the wrong audit</p> <p>20 that I sat in on. That might have been for another</p> <p>21 issue. But I have seen this before. But I don't</p> <p>22 know that it was in regards to training</p> <p>23 specifically. It could have just been in my</p> <p>24 interactions with -- with Lieutenant Burk or whoever</p> <p>25 else might have been in the record room as the</p>	<p style="text-align: right;">Page 111</p> <p>1 16?</p> <p>2 MR. HOLLAND: Correct.</p> <p>3 MR. HUGHES: What you just handed me</p> <p>4 doesn't have a page 24, so can I see what you have?</p> <p>5 It only goes up to --</p> <p>6 MR. HOLLAND: I see it.</p> <p>7 MR. HUGHES: -- page 12.</p> <p>8 MR. HOLLAND: Here. You can look at</p> <p>9 mine.</p> <p>10 Q. So Gomez 16 on page 24, do you see a</p> <p>11 screen that --</p> <p>12 A. Okay. I do.</p> <p>13 Q. Do you have a recollection of that</p> <p>14 being an addition?</p> <p>15 A. I don't.</p> <p>16 Q. If we look at Gomez 17, page 24, the</p> <p>17 July 2014 version. And why don't you keep both of</p> <p>18 them open, 24 of each page. Might be easiest.</p> <p>19 Do you see that that screen where it</p> <p>20 has probable cause language?</p> <p>21 A. I do.</p> <p>22 Q. Is in the 2016 version, but not in the</p> <p>23 2014 version?</p> <p>24 A. I see.</p> <p>25 Q. Do you recall anything about that being</p>
<p style="text-align: right;">Page 110</p> <p>1 commander at the time.</p> <p>2 Q. Do you know what this document is used</p> <p>3 for?</p> <p>4 A. It appears as though it's for training</p> <p>5 specifically --</p> <p>6 Q. And I don't want you to guess. Do you</p> <p>7 have an understanding?</p> <p>8 A. No.</p> <p>9 Q. How about Gomez 17, same answers?</p> <p>10 A. Yes.</p> <p>11 Q. So if we look on page 2 of each</p> <p>12 document, just so we're -- we have an idea of dates</p> <p>13 we're working with, Gomez 16 says updated</p> <p>14 January 2016 and Gomez 17 says updated 7/2014; do</p> <p>15 you see that?</p> <p>16 A. Okay.</p> <p>17 Q. So Gomez 17 was -- came into effect in</p> <p>18 January of -- excuse me, July of 2014 and Gomez 16</p> <p>19 came into effect in January of 2016.</p> <p>20 A. Okay.</p> <p>21 Q. Just so we're on the same page.</p> <p>22 I'll direct you to page 24 of Gomez 16.</p> <p>23 And are you familiar with the updates that were made</p> <p>24 in this January 2016 version?</p> <p>25 MR. HUGHES: Wait. Page 24 of Gomez</p>	<p style="text-align: right;">Page 112</p> <p>1 added?</p> <p>2 A. I don't.</p> <p>3 Q. If we look back at the August 6th,</p> <p>4 2015, agenda item, which is Morrow 6. Right there.</p> <p>5 Do you see that when I read: Burk subsequently</p> <p>6 recommended that REJIS add comments to the --</p> <p>7 (Court reporter</p> <p>8 clarification.)</p> <p>9 BY MR. HOLLAND:</p> <p>10 Q. -- to the REJIS wanteds training manual</p> <p>11 that would state that the initiating officer or</p> <p>12 agency must have probable cause. Do you see that?</p> <p>13 A. I do.</p> <p>14 Q. Do you have any awareness that</p> <p>15 whether -- whether that recommendation led to the</p> <p>16 change that we just looked at in the REJIS manual?</p> <p>17 A. I don't.</p> <p>18 Q. So looking at that screen on the REJIS</p> <p>19 wanteds -- REJIS wanted entry manual, what would</p> <p>20 provide an arresting officer with a higher level of</p> <p>21 assurance -- or strike that.</p> <p>22 How would that screen offer a higher</p> <p>23 level of assurance to officers that take action on a</p> <p>24 wanted that a lawful arrest is appropriate?</p> <p>25 MR. HUGHES: Same objection I made</p>

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<p>1 earlier. You're asking him -- you know, not asking</p> <p>2 him facts, but you're asking for opinion,</p> <p>3 speculation, and conjecture.</p> <p>4 MR. HOLLAND: I'll withdraw the</p> <p>5 question and reask it.</p> <p>6 Q. This Morrow Exhibit 6, the LEPAC agenda</p> <p>7 item, states Lieutenant Jeff Burk, who was employed</p> <p>8 by the St. Louis County Police Department at the</p> <p>9 time, correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. States that he believes that such</p> <p>12 language would offer a higher level of assurance to</p> <p>13 officers that action -- that take action on a wanted</p> <p>14 that a lawful arrest is appropriate. I'm asking</p> <p>15 you, the representative of St. Louis County, how</p> <p>16 adding that language would offer a higher level of</p> <p>17 assurance?</p> <p>18 MR. HUGHES: Again, you're asking him</p> <p>19 for his opinion. You're asking him to speculate and</p> <p>20 conjecture, so ...</p> <p>21 THE WITNESS: (Nods head.)</p> <p>22 BY MR. HOLLAND:</p> <p>23 Q. Can you answer the question?</p> <p>24 A. Yes. I would say that that's -- that's</p> <p>25 one more location that an investigating officer or</p>	<p>1 of the time the care operator?</p> <p>2 A. Almost all the time, correct.</p> <p>3 Q. So the arresting officer would not see</p> <p>4 that -- would not see that language; do you agree?</p> <p>5 A. I see -- correct. I agree.</p> <p>6 Q. So do you see my confusion as to how it</p> <p>7 might -- how it would provide a higher level</p> <p>8 assurance to an arresting officer?</p> <p>9 A. I could see that.</p> <p>10 Q. And it sounds like it's just a better</p> <p>11 question for Lieutenant Burk as to what he was</p> <p>12 thinking when he made that recommendation; do you</p> <p>13 agree with that?</p> <p>14 MR. HUGHES: Well, again, that's</p> <p>15 calling for his opinion and speculation and</p> <p>16 conjecture.</p> <p>17 MR. HOLLAND: I think the answer speaks</p> <p>18 for itself. Okay. The question speaks for itself.</p> <p>19 Excuse me.</p> <p>20 MR. HUGHES: And it's argumentative.</p> <p>21 BY MR. HOLLAND:</p> <p>22 Q. Bear with me a second. Do you know</p> <p>23 who -- sorry. Do you know who a person named</p> <p>24 Lieutenant Colonel Steve Meinberg?</p> <p>25 A. I don't.</p>
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<p>1 somebody entering a wanted could see what's</p> <p>2 required. So I would suspect, then, that would be</p> <p>3 the assurance that it's one more location that that</p> <p>4 information is -- is available.</p> <p>5 Q. Looking at Gomez 16, which is the 2016</p> <p>6 version, on page 24, that screen, do you have any --</p> <p>7 do you know if the arresting officer sees that</p> <p>8 screen?</p> <p>9 A. I believe that the arresting officer</p> <p>10 can see that on their -- on their screen -- on</p> <p>11 their mobile data terminal, the MDT in their car.</p> <p>12 If they're using REJIS to run a record check, they</p> <p>13 would see that. I'm sorry. If they're using it to</p> <p>14 enter a wanted, they would see that.</p> <p>15 Q. How about if they're using it to search</p> <p>16 a person's name to see if they have a wanted on</p> <p>17 them?</p> <p>18 A. I don't know that they would see that</p> <p>19 at that point. They would see just the wanted. I</p> <p>20 don't know that they would see that information.</p> <p>21 Q. Would you agree that that screen with</p> <p>22 the submit option is for the person entering the</p> <p>23 wanted?</p> <p>24 A. Correct. I would agree.</p> <p>25 Q. Would you say that that is almost all</p>	<p>1 Q. How about Chief Charles Adams?</p> <p>2 A. I don't.</p> <p>3 Q. Chief Jeff Beaton?</p> <p>4 A. I know Chief Beaton.</p> <p>5 Q. Who is Chief Beaton?</p> <p>6 A. He's the chief of the Shrewsbury Police</p> <p>7 Department here in St. Louis County.</p> <p>8 Q. How about Major Greg Volker --</p> <p>9 A. Oh, I'm sorry. He's the chief of</p> <p>10 Glendale Police Department. My apologies.</p> <p>11 Q. That's Chief Jeff Beaton?</p> <p>12 A. Beaton, yeah, he's the chief of the</p> <p>13 Glendale PD. Okay.</p> <p>14 Q. And Glendale is within St. Louis</p> <p>15 County?</p> <p>16 A. Municipality within St. Louis County.</p> <p>17 Q. How about Major Greg Volker?</p> <p>18 A. Sounds familiar, but I don't know.</p> <p>19 Q. Lieutenant Colonel Jeff Bader?</p> <p>20 A. It's my colonel.</p> <p>21 Q. Do you know whether he sits on LEPAC?</p> <p>22 A. I am not aware.</p> <p>23 Q. That's your -- that's your direct</p> <p>24 report?</p> <p>25 A. He's --</p>

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1 **Q. Your supervisor?**
2 A. Correct. He's the commander of my
3 division.
4 **Q. The planning and analysis division?**
5 A. The division of operational support of
6 which planning is one small unit.
7 **Q. How about Mark Reichert?**
8 A. I don't know.
9 **Q. Captain Mary Edwards?**
10 A. Not familiar.
11 **Q. Herb Bernsen?**
12 A. Mr. Bernsen is the director of the
13 jail, St. Louis County jail.
14 **Q. How about Sergeant Scott Ruddle?**
15 A. Not familiar.
16 **Q. Dr. William Powell?**
17 A. Not familiar.
18 **Q. Eric Gorham?**
19 A. Not familiar.
20 **Q. Paula Girtman?**
21 A. Not familiar.
22 **Q. Chief Joseph Edwards?**
23 A. He might -- I believe he's the chief of
24 Columbia Illinois PD, but I can't be certain.
25 **Q. Chief Roy Joachim- -- Joachimstaler?**

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1 A. Joachimstaler? Yes, sir, I'm familiar
2 with him.
3 **Q. Who is he?**
4 A. He's the chief of the O'Fallon,
5 Missouri, police department.
6 **Q. Chief Tim Schwartzkopf?**
7 A. Not familiar.
8 MR. HOLLAND: I'll help you with these
9 spellings later.
10 **Q. Mr. Bill Howe?**
11 A. That's my former commander.
12 **Q. You mentioned him.**
13 A. Correct.
14 **Q. Were you aware that he sat on LEPAC?**
15 A. I was not aware.
16 **Q. Scott Anders?**
17 A. Not familiar.
18 **Q. Patrick Woods?**
19 A. Not familiar.
20 **Q. LaVerta Barnes?**
21 A. Not familiar.
22 **Q. John Meyer?**
23 A. Not familiar.
24 **Q. Do you know why NCIC and MULES only**
25 **allow wanteds to remain in their system for 48**

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1 **hours?**
2 A. I don't know why.
3 **Q. Do you know who Cindy Jennings is?**
4 A. I believe she's on the cover of the
5 REJIS manual I just looked at. I don't know her
6 title.
7 **Q. Do you know her otherwise -- other than**
8 **seeing her name on the manual?**
9 A. No.
10 **Q. Are you aware that police departments**
11 **can choose to be either REJIS or MULES members or**
12 **have a dual membership?**
13 A. I did not know.
14 **Q. Do you know who would know that**
15 **information at the St. Louis County Police**
16 **Department?**
17 A. Well, I would suspect it would be
18 our -- the commander of our record room.
19 **Q. What's -- what's that person's name?**
20 A. Well, that would be -- if he wasn't new
21 it would be Francis Gomez, but Jeff Burk certainly
22 would know that answer had he still -- if he was
23 still there.
24 **Q. Are you aware of any department-wide**
25 **reviews of the wanteds in St. Louis County Police**

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1 **Department?**
2 A. Yeah, we do have reviews. I don't
3 know -- I want to say it's anywhere from three to
4 six months. I don't recall.
5 Back in my bureau days when I was a
6 detective, I would get notifications about a wanted,
7 you know, still active and I would have to verify.
8 And then if it was, then certainly, you know, they
9 would keep it in the system unless statute of
10 limitations ran out and/or if I determined that it
11 was, you know, incorrectly in the system I would
12 take it out then. But that was something that we
13 would get notified through our supervisor with if I
14 recall, right.
15 **Q. Are you describing to me the validation**
16 **process?**
17 A. Yes, yes.
18 Again, that was ten years ago that the
19 last time I probably dealt with that. I don't know
20 how they do it now.
21 **Q. So the last time you were involved with**
22 **a wanted entry was when you were on robbery and**
23 **homicide?**
24 A. Yes, sir.
25 **Q. Have you reviewed any wanted entries**

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<p style="text-align: right;">Page 121</p> <p>1 since then?</p> <p>2 A. I don't -- I don't think I have.</p> <p>3 Q. To your knowledge have there been</p> <p>4 instances in which St. Louis County police officers</p> <p>5 have misused or improperly filed a wanted?</p> <p>6 A. I'm not familiar with any at the</p> <p>7 moment.</p> <p>8 Q. Do you know if there's a penalty for</p> <p>9 the misusing or inappropriately entering a wanted?</p> <p>10 A. I believe -- yes. In -- misuse of our</p> <p>11 teletype or REJIS system, I believe the general</p> <p>12 order covers it and I'd have to refer to our conduct</p> <p>13 and discipline manual to see where it falls, which</p> <p>14 article it falls under.</p> <p>15 Q. Are you familiar with the 24-hour rule?</p> <p>16 A. Yes.</p> <p>17 Q. What is it?</p> <p>18 A. In the state of Missouri there's a</p> <p>19 statute that allows peace officers to hold a suspect</p> <p>20 without a warrant for 24 hours. That's the gist of</p> <p>21 it.</p> <p>22 Q. To your knowledge have police officers</p> <p>23 deliberately detained individuals pursuant to a</p> <p>24 wanted in excess of 24 hours?</p> <p>25 A. Not to my knowledge.</p>	<p style="text-align: right;">Page 123</p> <p>1 A. I see that.</p> <p>2 Q. This document was produced to us on</p> <p>3 behalf of the Justice Center.</p> <p>4 A. Okay.</p> <p>5 Q. So that just is an indicator that this</p> <p>6 is page 6 of their production. I just want to ask</p> <p>7 you some questions if you can give me the answers,</p> <p>8 great. If the answer is "I don't know" or "I can't</p> <p>9 answer," I don't want you to guess.</p> <p>10 A. Okay.</p> <p>11 Q. Just, you know, as a civilian, looking</p> <p>12 at this, I don't know how to read it, but hoping you</p> <p>13 as a seasoned police officer can provide some</p> <p>14 insight.</p> <p>15 So turning to the back page -- the</p> <p>16 back, if says at the top it looks like it was</p> <p>17 stamped hold 24 hours. Do you know what that means?</p> <p>18 A. If this is a county intake or jail</p> <p>19 document that would be stamped on there by them --</p> <p>20 by their -- by their own employees indicating that</p> <p>21 this person is to be held 24 hours.</p> <p>22 Q. When an individual is arrested on a</p> <p>23 wanted, are there any rules as to when they should</p> <p>24 be released other than the 24-hour window?</p> <p>25 A. Other than what the statute says, when</p>
<p style="text-align: right;">Page 122</p> <p>1 Q. Let's just take a look at one example</p> <p>2 of a wanted entry.</p> <p>3 I'll mark this Morrow -- are we up to</p> <p>4 8?</p> <p>5 A. I've got 6. Probably 7.</p> <p>6 Q. Yeah, I think it is 7. I think I was</p> <p>7 planning to use 7, but didn't have it. Morrow 7.</p> <p>8 (Exhibit 7 marked for</p> <p>9 identification.)</p> <p>10 BY MR. HOLLAND:</p> <p>11 Q. Have you seen this document before?</p> <p>12 A. No, sir.</p> <p>13 Q. Have you seen a document like this</p> <p>14 before if it -- you know, not relating to</p> <p>15 Mr. Torres?</p> <p>16 A. I probably have. It's been a while. I</p> <p>17 would say yes, I have.</p> <p>18 Q. Can you tell me what it is?</p> <p>19 A. I can't.</p> <p>20 Q. Did you say you can't?</p> <p>21 A. I cannot.</p> <p>22 Q. And just so -- for your information on</p> <p>23 the first page, bottom right corner there's a Bates</p> <p>24 stamp. It says JC underscore several zeros and then</p> <p>25 a six; do you see that?</p>	<p style="text-align: right;">Page 124</p> <p>1 they -- as far as anything in writing, no. That I</p> <p>2 know of.</p> <p>3 Q. So let me ask it this way: Earlier</p> <p>4 today we -- you talked about the purpose of a wanted</p> <p>5 being to -- in one sense locate an individual who</p> <p>6 the officer has probable cause to believe committed</p> <p>7 a crime and to attempt to interview, you know --</p> <p>8 A. Right.</p> <p>9 Q. -- find out the further information</p> <p>10 that would then lead, you know, to the determination</p> <p>11 of whether they can go get a warrant; is that fair?</p> <p>12 A. Correct.</p> <p>13 Q. So my question is: Okay. We have this</p> <p>14 24-hour period, but is there a point in time where</p> <p>15 that purpose ends and you should either go get a</p> <p>16 warrant or release the individual?</p> <p>17 A. Yes.</p> <p>18 Q. When is that?</p> <p>19 A. Once you've gone to the prosecuting</p> <p>20 attorney, to the warrant office and applied for the</p> <p>21 warrant, if they refuse it or take it under</p> <p>22 advisement -- well, there's three things they can</p> <p>23 do. Of course they can issue a warrant, refuse it,</p> <p>24 or take it under advisement. If they take it under</p> <p>25 advisement or refuse it, then unless they order you</p>

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<p>1 to conduct some additional investigation, then that</p> <p>2 person should be released for that charge, the</p> <p>3 charges applied on.</p> <p>4 Q. So let's take it from not the</p> <p>5 Prosecuting Attorney's Office perspective, but the</p> <p>6 investigating officer. They're -- let's say</p> <p>7 Mr. Torres is arrested on the investigating</p> <p>8 officer's wanted and taken into custody. The</p> <p>9 officer is notified and goes and attempts to talk to</p> <p>10 Mr. Torres. Mr. Torres doesn't want to talk to the</p> <p>11 office. The attempt at the interview is over.</p> <p>12 You're saying that the person should</p> <p>13 still be held in custody until a determination is</p> <p>14 made by the Prosecuting Attorney's Office?</p> <p>15 A. Correct.</p> <p>16 Q. What if there's no attempt to go to the</p> <p>17 Prosecuting Attorney's Office's? Should the person</p> <p>18 or -- withdrawn.</p> <p>19 Should the person be released if the</p> <p>20 investigating officer has come to the determination</p> <p>21 that there's no need to go to the Prosecuting</p> <p>22 Attorney's Office?</p> <p>23 A. Yes.</p> <p>24 Q. Immediately? Or as soon as</p> <p>25 practicable?</p>	<p>1 MR. HUGHES: Just --</p> <p>2 MR. HOLLAND: That's fair.</p> <p>3 THE WITNESS: I'm sorry.</p> <p>4 BY MR. HOLLAND:</p> <p>5 Q. If you don't know.</p> <p>6 A. I'm trying --</p> <p>7 Q. I didn't know if -- I didn't know if,</p> <p>8 you know, hold is a common, you know, usage here</p> <p>9 that you might have some insight into what it means.</p> <p>10 But if you don't know, you don't know.</p> <p>11 A. This last one I'm not certain, so ...</p> <p>12 Q. And then turning to the front page and</p> <p>13 just one more question on that hold. I know you</p> <p>14 said you don't know what it means here, but are you</p> <p>15 aware of any St. Louis County police officers</p> <p>16 informing the Justice Center to hold arrestees for</p> <p>17 the full 24 hours even, you know, if that's not</p> <p>18 necessary?</p> <p>19 A. I'm not aware of that.</p> <p>20 Q. So just turning to the first page,</p> <p>21 under the inmate wants and warrants check</p> <p>22 information, which is the bottom section of that</p> <p>23 page; do you see that?</p> <p>24 A. Correction. Which page?</p> <p>25 Q. Yeah, you're on the same page as me?</p>
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<p>1 A. Yes.</p> <p>2 Q. So if we look at the same page, the</p> <p>3 back here, it looks like there's another stamping</p> <p>4 hard to read in the middle of the page, does it</p> <p>5 say -- does it say being interviewed? Do you see</p> <p>6 that?</p> <p>7 A. It looks like being interviewed,</p> <p>8 correct.</p> <p>9 Q. Officer and then it says Clements?</p> <p>10 A. Uh-huh. And then her DSN is next to</p> <p>11 it, the 3571.</p> <p>12 Q. Arrived 8:45 p.m., departed 8:55 p.m.</p> <p>13 So about a ten-minute interview?</p> <p>14 A. That tells me that he didn't speak.</p> <p>15 Q. And then what is -- what is the</p> <p>16 disposition line for?</p> <p>17 A. I'm not certain how -- what intake uses</p> <p>18 that line for.</p> <p>19 Q. Here it says hold, right?</p> <p>20 A. Correct.</p> <p>21 Q. What is your understanding of what that</p> <p>22 means?</p> <p>23 A. Well, if --</p> <p>24 MR. HUGHES: Just --</p> <p>25 THE WITNESS: I don't know.</p>	<p>1 A. Got it. Got it.</p> <p>2 Q. It says: Type, results, user ID, check</p> <p>3 DTTM; do you see that?</p> <p>4 A. I do.</p> <p>5 Q. So the first line ADMT, is that</p> <p>6 admit?</p> <p>7 A. I'm going to assume, yes.</p> <p>8 Q. So this person, Mr. Torres, was</p> <p>9 admitted on April 12th, 2015 at 1655 according to</p> <p>10 this document. Is that your understanding as</p> <p>11 well?</p> <p>12 MR. HUGHES: Well, again, you just</p> <p>13 asked him to read from someone else's document, so</p> <p>14 anything that he -- speculation --</p> <p>15 MR. HOLLAND: I can ask a better</p> <p>16 question.</p> <p>17 MR. HUGHES: All right.</p> <p>18 MR. HOLLAND: We don't have to refer to</p> <p>19 this.</p> <p>20 Q. When does -- we were talking about the</p> <p>21 24-hour rule. When does the clock start?</p> <p>22 A. My understanding has always been it</p> <p>23 starts at the time of arrest.</p> <p>24 Q. Okay. And -- withdrawn. Let me change</p> <p>25 that to Exhibit 8.</p>

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<p>1 Are you aware of police officers ever</p> <p>2 using wanteds to profile or target individuals of a</p> <p>3 particular race or ethnic origin?</p> <p>4 A. I am not.</p> <p>5 Q. Is Lieutenant Burk still employed by</p> <p>6 the St. Louis County Police Department?</p> <p>7 A. No.</p> <p>8 Q. Do you know if he was recently hired to</p> <p>9 teach a training course?</p> <p>10 A. I don't know that.</p> <p>11 MR. HOLLAND: I don't presently have</p> <p>12 any more questions for you. I may have some</p> <p>13 follow-up if Mr. Hughes asks you questions.</p> <p>14 THE WITNESS: Okay.</p> <p>15 MR. HUGHES: I have no questions.</p> <p>16 We'll waive signature.</p> <p>17 THE VIDEOGRAPHER: The time is 4:32.</p> <p>18 We are off the record. This concludes our</p> <p>19 deposition of Lieutenant Peter Morrow.</p> <p>20 (Discussion off the record.)</p> <p>21 THE VIDEOGRAPHER: The time is 4:33.</p> <p>22 We're back on the record.</p> <p>23 MR. HUGHES: No, we're not.</p> <p>24 MR. HOLLAND: What was that?</p> <p>25 MR. HUGHES: No, we're not. I'm</p>	<p>1 We are off the record. This concludes the</p> <p>2 deposition of Lieutenant Peter Morrow.</p> <p>3 (Whereupon, signature was</p> <p>4 waived and the witness was</p> <p>5 excused at 4:35 p.m.)</p> <p>6 --oOo--</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 waiting for my -- you were --</p> <p>2 MR. HOLLAND: Can we go off the record,</p> <p>3 please.</p> <p>4 THE VIDEOGRAPHER: The time is 4:32.</p> <p>5 We're off the record.</p> <p>6 (Discussion off the record.)</p> <p>7 THE VIDEOGRAPHER: The time is 4:34.</p> <p>8 We're back on the record.</p> <p>9 BY MR. HOLLAND:</p> <p>10 Q. Lieutenant Morrow, sorry. My</p> <p>11 colleague reminded me of a question that we wanted</p> <p>12 to ask you.</p> <p>13 A. Okay.</p> <p>14 Q. Are your email -- you mentioned you</p> <p>15 receive emails, it's your preference, earlier. Are</p> <p>16 your email archives searchable?</p> <p>17 A. Yes.</p> <p>18 Q. If we were to give you a list of search</p> <p>19 terms, would you be able to search your archives for</p> <p>20 those emails?</p> <p>21 A. That does allow for that, yes.</p> <p>22 MR. HOLLAND: I have no further</p> <p>23 questions.</p> <p>24 MR. HUGHES: No questions.</p> <p>25 THE VIDEOGRAPHER: The time is 4:35.</p>	<p>1 CERTIFICATE OF REPORTER</p> <p>2</p> <p>3 I, RENÉE COMBS QUINBY, a Registered Merit</p> <p>4 Reporter, Certified Realtime Reporter, Certified</p> <p>5 Shorthand Reporter (CA), Certified Court Reporter</p> <p>6 (MO), Realtime Systems Administrator, and Notary</p> <p>7 Public within and for the State of Missouri, do</p> <p>8 hereby certify that the witness whose testimony</p> <p>9 appears in the foregoing deposition was duly sworn</p> <p>10 by me to testify to the truth and nothing but the</p> <p>11 truth; that the testimony of said witness was taken</p> <p>12 by stenographic means by me to the best of my</p> <p>13 ability and thereafter reduced to print under my</p> <p>14 direction.</p> <p>15 I further certify that I am neither</p> <p>16 attorney nor counsel nor related nor employed by any</p> <p>17 of the parties to the action in which this</p> <p>18 deposition was taken; further, that I am not a</p> <p>19 relative or employee of any attorney or counsel</p> <p>20 employed by the parties hereto or financially</p> <p>21 interested in this action.</p> <p>22</p> <p>23</p> <p>24 -----</p> <p>25 Renée Combs Quinby, RMR, CRR, CCR #1291</p>

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